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6 IN THE COURT OF APPEALS
7 OF THE STATE OF WASHINGTON
8 DIVISION II

9 IN RE THE PERSONAL RESTRAINT
10 PETITION OF:

11 ROBERT WILSON,

12 Petitioner.

NO. 45059-3-II

STATE'S RESPONSE TO PERSONAL
RESTRAINT PETITION

13
14 A. ISSUES PERTAINING TO PERSONAL RESTRAINT PETITION

- 15 1. Whether the petition should be dismissed as without merit where the
16 petitioner fails to meet his preliminary burden to present competent
17 admissible evidence and where the petitioner fails to satisfy the five
18 elements required for relief from newly discovered evidence?
19
20 2. Whether the petitioner is not entitled to a reference hearing where the
21 petition can be determined solely on the record?
22
23 3. Whether, if the court were to disagree with the State and hold the petitioner
24 were entitled to relief, he would only be entitled to relief on counts I and II
25 because those are from a separate incident than the others and are the only
counts implicated by the claimed newly discovered evidence?

23 B. STATUS OF PETITIONER

24 Petitioner, Robert Wilson, is incarcerated at the Department of Corrections
25 pursuant to Judgment and Sentence entered in Pierce County Superior Court Cause No. 09-

1 1-00181-4. Appendix A. Wilson was sentenced to a total of 200 months based upon
2 convictions on 7 counts.

3 C. INCORPORATION OF THE APPELLATE RECORD

4 The State asks the Court to incorporate by reference the record from the direct
5 appeal in this case, No. 40259-9-II.

6 D. FACTS

7 1. Procedure

8 On January 12, 2009, based on an incident that occurred on December 15, 2008,
9 the State filed an information charging Robert Wilson under Pierce County Superior Court
10 cause number 09-1-00181-4 with Count I, Robbery in the First Degree based on an
11 incident that occurred on December 15, 2008. Appendix B (Information, filed 01-12-19).
12 The charge included an allegation that the defendant was armed with a firearm when he
13 did so, thereby enhancing his sentence. Appendix B. The defendant was arraigned on
14 January 12, 2009. Appendix C (Memorandum of Journal Entry, filed 01-12-09).

15 Wilson also had pending charges in two other cases, cause number 08-1-05561-4,
16 which involved attempting to elude a pursuing police vehicle on November 18, 2008; and
17 cause number 09-1-0027-3, which involved possession of a stolen vehicle and attempted
18 eluding, among other things. Appendix D (Information and probable cause declaration on
19 CA# 08-1-05561-4, filed 11-21-08; Appendix E (Information and probable cause
20 declaration on CA# 09-1-0027-3, filed 01-05-09).

21 On March 6, 2009, the State filed a motion to join charges from the two other cause
22 numbers with this case because, although they involved different incidents and dates, the
23 three incidents were factually related so that joinder was warranted. Appendix F (State's
24 Motion to Join Charges, filed 03-06-09).

1 On May 28, 2009, the case was assigned to the Honorable Judge Ronald Culpepper
2 to hear the motion to join the charges. Exhibit G (Criminal Case Reassignment, filed 05-
3 28-09); Exhibit H (Memorandum of Journal Entry, filed 05-28-09). The court granted the
4 motion to join and consolidate the three separate cases against the defendant under this
5 cause number. Appendix I (Order Joining Cause Numbers, filed 05-28-09). On May 28,
6 2009, the State also filed an Amended Information that added Count II, Unlawful
7 Possession of a Firearm in the First Degree. Appendix J (Amended Information, filed 05-
8 28-09).

9 On November 2, 2009, the case was assigned to the Honorable Judge Ronald
10 Culpepper for trial. *See* Appendix K (Memorandum of Journal Entry, filed 11-13-09).
11 That day, as a result of the order granting joinder of the charges, the State filed a second
12 amended information that added Count III, Unlawful Possession of a Stolen Vehicle;
13 Count IV, Attempting to Elude A Pursuing Police Vehicle; Count V, Attempting to Elude
14 a Pursuing Police Vehicle; Count VI, Unlawful Possession of a Firearm in the First
15 Degree; Count VII, Unlawful Possession of a Controlled Substance; and Count VIII,
16 Obstructing a Law Enforcement Officer (Conduct only, not False Statement). Appendix L
17 (Second Amended Information, filed 11-02-09). *See also*, 1RP 7, ln. 12 to p. 9, ln. 6.

18 The case proceeded through jury trial, and the jury returned verdicts, finding the
19 defendant guilty as to all eight counts, and also finding that the defendant was armed with
20 a firearm when he committed Count I. Appendix K; Appendix M (Verdict Forms).

21 The court sentenced the defendant to 140 months on count I, 116 months on count
22 II, 57 months on count III, 29 months on count IV, 29 months on count V, 116 months on
23 count VI, and 120 months on Count VII, plus an additional 60 month firearm sentence
24 enhancement on count I. Appendix A (Warrant of Commitment and Judgment and
25 Sentence, filed 12-30-09). Counts II through VIII were imposed concurrent to count I. RP

1 12-30-09, p. 12, ln. 15-23. The judgment and sentence does not list the total period of
2 confinement, however, that would be 200 months, which consists of 140 months on count
3 I, the count with the longest sentence, plus the additional 60 months of firearm
4 enhancement time on that count. Appendix A (Judgment, p. 6 of 12). The defendant was
5 separately sentenced on count VIII, as that was a misdemeanor. Appendix M (Judgment
6 and Sentence, Misd. and/or Gross Misd., filed 12-30-09).

7 The defendant timely filed a notice of appeal on January 26, 2010. Appendix O
8 (Notice of Appeal, filed 01-26-10). The court affirmed the conviction in an unpublished
9 opinion issued on March 28, 2010. *See State v. Washington*, No. 40179-7-II (2012). The
10 mandate issued on June 22, 2012. *See* Appendix P (Mandate, filed 12-04-12).

11 On June 24, 2013, the defendant timely filed the personal restraint petition at issue
12 now where one year after the issuance of the mandate was June 22, 2013, a Saturday, so
13 that the following Monday, June 24, 2013 was the next regular business day for the court.

14 This is the State's response to the petition.

15 2. Facts of the Case

16 The following facts are taken from the Court of Appeals opinion in the direct
17 appeal, No. 40259-9-II.

18 While on patrol in November 2008, Puyallup Police Officer Scott Engle observed a
19 vehicle traveling between 60 and 67 mph in a 35 mph zone. Officer Engle stopped the
20 speeding car and contacted the driver (later identified as Wilson), the vehicle's lone
21 occupant.

22 Wilson gave Officer Engle his temporary Washington driver's license; but, before
23 viewing the license, Officer Engle observed a handgun on the car's passenger floorboard.
24 Officer Engle backed away from the car, drew his handgun, and advised Wilson not to
25 move toward the gun. Wilson immediately drove away; Officer Engle pursued.

1 Wilson fled through a residential neighborhood at speeds between 90 and 95 mph
2 for approximately 6 blocks before abruptly turning and stopping. He then immediately
3 exited his vehicle and fled on foot. Officers could not locate Wilson but, in his abandoned
4 car, they found a prescription pill bottle in his name, a small plastic bag containing
5 methamphetamine, an electronic scale, three rounds of .45 caliber ammunition, and a
6 cellular phone.

7 In December 2008, a man approached the Java 2 Go coffee stand in Graham. He
8 stuck his upper body into the window; pulled out a semiautomatic handgun; cocked it; and
9 commanded Alysha Chandler, the barista, to open the register and give him all the money.
10 Chandler complied, giving the man \$120 from the cash register before he fled. Chandler
11 immediately telephoned the authorities, and Deputy Anthony Filing responded.

12 Java 2 Go's security system camera recorded the robbery, capturing images of the
13 weapon, as well as the robber wearing jeans with a white embroidered design on the back
14 pockets. Deputy Filing printed photos from the surveillance video and submitted them to
15 Crime Stoppers, which made fliers that Deputy Filing distributed in the Graham area.

16 On January 2, 2009, Deputy Filing had a stack of the Crime Stoppers fliers in his
17 car; in the back seat, a confidential informant (CI) working on an unrelated matter "looked
18 over and said that [the photo on the flier] looked like Robert Wilson." 1 RP at 135. Deputy
19 Filing then created a six-photo montage, including Wilson's photo, and asked Chandler
20 whether any of the images resembled the robber. She identified Wilson.

21 Deputy Filing learned that he could find Wilson at a house in Tacoma on January 2.
22 Deputy Filing and members of a regional task force positioned themselves at the Tacoma
23 home awaiting Wilson's arrival.

24 Eventually, Wilson pulled into the driveway driving a Nissan pickup truck. As
25 officers converged on the house in their cars, Wilson attempted to leave. At this point,

1 Wilson and Deputy Filing were moving toward one another, and Deputy Filing turned on
2 his overhead lights and wigwags. As Deputy Filing continued toward Wilson, Wilson
3 switched lanes and attempted to get around Deputy Filing; but, Deputy Filing positioned
4 his vehicle to cut off Wilson. Wilson then backed up his truck, and Deputy Filing,
5 believing Wilson was attempting to “get away,” pinned Wilson's truck into the roadside
6 ditch. 1 RP at 94. Wilson immediately jumped from the truck, ran through a residential
7 yard, and hopped a fence. Deputy Filing pursued him on foot. Wilson ran around another
8 house before he “stopped and gave up,” and Deputy Filing placed him in custody. 1 RP at
9 99.

10 At the time of arrest, Wilson wore jeans with a white embroidered design on the
11 back pocket flaps. The officers learned that Wilson was driving a stolen truck. Wilson had
12 used a shaved Honda key to start the truck, and the officers found several other shaved
13 keys in the truck. They also found a pistol grip, holster, smoking pipes, and a cellular
14 phone in the truck.

15
16 E. ARGUMENT.

17 1. THE PETITION SHOULD BE DISMISSED AS WITHOUT MERIT
18 WHERE THE PETITIONER FAILS TO PRESENT COMPETENT
19 ADMISSIBLE EVIDENCE THAT SATISFIES THE
20 REQUIREMENTS FOR CONSIDERATION OF NEWLY
21 DISCOVERED EVIDENCE

22 Defendants may obtain relief under a personal restraint petition (PRP) when they
23 are under restraint that is unlawful. *State v. Crace*, 157 Wn. App. 81, 93-94, 236 P.3d 914
24 (2010), *reversed on other grounds*, 174 Wn.2d 835, 280 P.3d 1102 (2012) (citing RAP
25 16.4(a)-(c)). Relief under a PRP is limited because collateral attack “...undermines the
principles of finality of litigation, degrades the prominence of trial and sometimes deprives

1 society of the right to punish admitted offenders.” *St. Pierre*, 118 Wn.2d at 329. *See also*,
2 *Crace*, 157 Wn. App. at 94.

3 As a threshold matter, a petitioner must establish the appropriateness of collateral
4 review. *Cook*, 114 Wn.2d at 814. A personal restraint petition should contain the facts
5 upon which the claim of unlawful restraint is based, and the reasons why the restraint is
6 unlawful. *See* RAP 16.7(a)(2). “The petitioner must state [in his petition] the facts upon
7 which he bases his claim of unlawful restraint and the evidence available to support the
8 factual allegations; conclusive allegations alone are insufficient.” *See Crace*, 157 Wn.
9 App. 81, 94, 236 P.3d 914 (2010) (citing RAP 16.7(a)(2)(i); *In re Pers. Restraint of*
10 *Williams*, 111 Wn.2d 353, 365, 759 P.2d 436 (1988)).

11 Restraint may be unlawful for reasons that are constitutional, as well as for reasons
12 that are non-constitutional, and each of these two types of error carries a different burden
13 of prejudice for the defendant. *See In re Pers. Restraint of Cook*, 114 Wn.2d 802, 813,
14 792 P.2d 506 (1990).

15 PRP challenges based on claims of constitutional error require the petitioner to
16 demonstrate by a preponderance of the evidence that he “was actually and substantially
17 prejudiced by the error.” *Crace*, 157 Wn. App. at 94 (quoting *In Re Pers. Restraint of*
18 *Davis*, 152 Wn.2d 647, 670, 101 P.3d 1 (2004)). “The court has three options regarding
19 constitutional issues raised in a PRP:

- 20 1. If a petitioner fails to meet the threshold burden of showing actual
21 prejudice arising from constitutional error, the petition must be
22 dismissed.
- 23 2. If a petition makes at least a *prima facie* showing of actual
24 prejudice, but the merits of the contentions cannot be determined
25 solely on the record, the court should remand the petition for a full
hearing on the merits or for a reference hearing pursuant to RAP
16.11(a) and RAP 16.12.
3. If the court is convinced a petitioner has proven actual prejudicial
error, the court should grant the Personal Restraint Petition without
remanding the cause for further hearing.”

1 *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 885, 828 P.2d 1086 (1992) (quoting *In re*
2 *Pers. Restraint of Hews*, 99 Wn.2d 80, 88, 660 P.2d 263 (1983)).

3
4 However, if “the petitioner makes his threshold showing of constitutional error,”
5 before dismissing, the court should examine the State’s response which must answer the
6 allegation and “identify all material disputed questions of fact.” *Crace*, 157 Wn. App. at
7 95 (citing RAP 16.9; and quoting *Rice*, 118 Wn.2d at 86). To “define disputed questions
8 of fact, the State must meet the petitioner’s evidence with its own competent evidence”
9 and only after the parties’ material establish the existence of material disputed issues of
10 fact” will the appellate court direct the superior court to hold a reference hearing in order
11 to resolve the factual questions. *Crace*, 157 Wn. App. at 95 (quoting *Rice*, 118 Wn.2d at
12 886-87).

13 PRP challenges based on claims of nonconstitutional error require the petitioner to
14 demonstrate that “the claimed error constitutes a fundamental defect which inherently
15 results in a complete miscarriage of justice.” *Cook*, 114 Wn.2d at 813. *See also Crace*,
16 157 Wn. App. at 94; *Davis*, 152 Wn.2d at 672. Where he claims that newly discovered
17 evidence entitles him to relief, Wilson is asserting a non-constitutional error.

18 a. The Petitioner Has Failed To Provide Competent
19 Admissible Evidence.

20 The petitioner has the burden to prove claimed error by a preponderance of the
21 evidence. *In re Pers. Restraint of Lord*, 152 Wn.2d 182, 188, 94 P.3d 952 (2004). “As a
22 threshold matter, the petitioner must state in his petition the facts underlying the claim of
23 unlawful restraint and the evidence available to support the factual allegations. *Rice*, 8
24 Wn.2d at 885-86. *See also, Crace*, 157 Wn. App. 81, 94, 236 P.3d 914 (2010) (citing RAP
25 16.7(a)(2)(i); *In re Pers. Restraint of Williams*, 111 Wn.2d 353, 365, 759 P.2d 436
(1988)). Conclusive allegations alone are insufficient.” *Crace*, 157 Wn. App. at 94 “For

1 allegations ‘based on matters outside the existing record, the petitioner must demonstrate
2 that he has competent admissible evidence to establish the facts that entitle him to relief.’”
3 **Crace**, 157 Wn. App. at 94 (quoting **In re Pers. Restraint of Rice**, 118 Wn.2d 876, 886,
4 828 P.2d 1086 (1992)).

5 When the “petitioner’s evidence is based on knowledge in the possession of others,
6 he may not simply state what he thinks those others would say, but must present their
7 affidavits or other corroborative evidence.” **Crace**, 157 Wn. App. at 94 (quoting **Rice**, 118
8 Wn.2d at 886.). “The affidavits....must contain matters to which the affiants may
9 competently testify”. **Crace**, 157 Wn. App. at 94-95 (quoting **Rice**, 118 Wn.2d at 886.
10 “The evidence must show that the factual allegations are based on more than speculation,
11 conjecture or inadmissible hearsay.” **Crace**, 157 Wn. App. at 95 (quoting **Rice**, 118 Wn.2d
12 at 886).

13 “For allegations ‘based on matters outside the existing record, the petitioner must
14 demonstrate that he has competent admissible evidence to establish the facts that entitle
15 him to relief.’” **Crace**, 157 Wn. App. at 94 (quoting **Rice**, 118 Wn.2d 876, 886, 828 P.2d
16 1086 (1992)). “Where the petitioner’s evidence is ‘based on knowledge in the possession
17 of others, he may not simply state what he thinks those others would say, but must present
18 their affidavits or other corroborative evidence.’” **Crace**, 157 Wn. App. at 94. These
19 requirements are mandatory and lack of such compliance will result in a refusal to reach
20 the merits of the claim. *See Cook*, 114 Wn.2d at 814 (citing **Williams**, 111 Wn.2d at 365).

21 Here, the petitioner fails to meet his threshold burden to show that he has
22 competent admissible evidence. Ultimately, the “newly discovered evidence” upon which
23 the petition relies consists of a statement that Patrick Lamp made to Phillip Chase, and
24 another statement that Ricki Walsh made to Phillip Chase. *See* Petition at 9; Declaration
25 of Patrick Pitt, p. 6 (attached to Petition). Phillip Chase has such a close family connection

1 to Wilson that they are regarded to be brothers even though they are not. Declaration of
2 Patrick Pitt at p. 5. Chase is currently serving a sentence at the Washington State
3 Department of Corrections for Assault in the Second Degree, based on a conviction in
4 Pierce County cause number 11-1-03743-8. Appendix Q (Warrant of Commitment and
5 Judgment and Sentence of Phillip Chase on CA# 11-1-03743-8, filed). Chase has a
6 significant history of prior criminal convictions, including several crimes of dishonesty.
7 See Appendix R (Stipulation on Prior Record and Offender Score of Phillip Chase on CA#
8 11-1-03743-8, filed 04-03-12).

9 Chase made a statement to Patrick Pitt that, in prison, Patrick Lamp approached
10 Chase and stated to him,

11 "that his brother ("Wilson") was a good guy, and informed him [Chase]
12 that Wilson had been convicted, and was serving a sentence, for a robbery
13 that had been committed by him ('Lamp') and that Wilson had not
14 disclosed Lamp's identity. He referred to the Java 2 Go robbery in
15 Graham WA.

16 Declaration of Patrick Pitt, p. 6.

17 Chase also told Patrick Pitt that on a different occasion in prison a person known to
18 him as 'Ricki Walsh' was discussing the Java 2 Go robbery and Walsh told Chase that he
19 had seen pictures of the robbery on Crime Stoppers or a similar program. Declaration of
20 Patrick Pitt, p. 6. Walsh told Chase that he recognized the offender as Patrick Lamp based
21 on a distinctive leather jacket the robber was wearing, and that the jacket had been owned
22 by Walsh until it was stolen from a house by Patrick Lamp. Declaration of Patrick Pitt, p.
23 7.

24 These claimed statements do not constitute competent admissible evidence where
25 neither the alleged statement by Lamp, nor the alleged statement by Walsh, are made in
affidavits by the appropriate party. The petition contains no affidavit from Chase, for
which reason, both statements constitute inadmissible hearsay.

1 Indeed, both statements constitute hearsay within hearsay. *See* ER 805. The
2 petition also does contain an affidavit from Walsh, whose statement does not otherwise fall
3 under an exception to the hearsay rule. Nor does the petition contain an affidavit from
4 Lamp.

5 The petitioner claims that Lamp's statement falls under an exception to the hearsay
6 rule because it is a statement against penal interest. *See* Petition at 8. However, even so, it
7 is not admissible unless corroborating circumstances clearly indicate the trustworthiness of
8 the statement. *See* ER 804(b)(3). However, even assuming for the sake of argument that
9 Lamp's statement might fall under a hearsay exception as a statement against penal interest
10 under ER 804(b)(3), as hearsay within hearsay it would still be inadmissible where it is
11 hearsay within hearsay and the petition contains no affidavit from Chase.

12 Accordingly, for this reason, the petitioner fails to meet his threshold burden of
13 presenting competent admissible evidence.

14 b. The Petitioner Has Failed To Establish That Newly
15 Discovered Evidence Exists Which Entitles Him To A New
16 Trial.

17 Petitioner claims here that under RAP 16.4(c)(3) his restraint is unlawful because
18 he is now possessed of material facts not previously presented and heard, which in the
19 interest of justice requires vacation of his conviction. Petition at 7 (citing RAP 16.4(c)(3)).

20 Under RAP 16.4(a) the court will provide relief to a petitioner who is under
21 restraint that is unlawful for one of seven reasons listed in RAP 16.4(c). RAP 16.4(c)(3)
22 provides:

23 Material facts exist which have not been previously presented and heard,
24 which in the interest of justice require vacation of the conviction,
sentence, or other order entered in a criminal proceeding or civil
proceeding instituted by the state or local government.

25 ***In re Hacheney***, 169 Wn. App. 1, 288 P.3d 619 (2012).

1 The test under RAP 16.4(c)(3) is the same as that applied to motions made for a
2 new trial based on newly discovered evidence. *In re Lord*, 123 Wn.2d 296, 319-20, 868
3 P.2d 835 (1994); *In re Jeffries*, 114 Wn.2d 485, 493, 789 P.2d 731 (1990). *See also, In re*
4 *Spencer*, 152 Wn. App. 698, 707, 218 P.3d 924 (2009).

5 In order to satisfy RAP 16.4(c)(3), the petitioner must prove five elements: 1) the
6 results will probably change if a new trial is granted; 2) the evidence was discovered after
7 trial; 3) the evidence could not have been discovered before trial through due diligence; 4)
8 the evidence is material; and 5) the evidence is not merely cumulative or impeaching.

9 Patrick Lamp was charged and convicted in Pierce County Superior court of two
10 robberies of espresso stands, one that occurred on November 17, 2008, and another that
11 occurred on January 3, 2009. See Appendices U, V, W, X. *See also*, Appendix S, Exs. 8
12 and 9. The petitioner's substantive claim in the petition is that the statements upon which
13 he attempts to rely constitute new facts not previously heard which in the interest of justice
14 require vacation of his conviction.

15 Not only is the evidence in support of the petition not competent or admissible, but
16 even when the evidence Wilson does rely upon is considered, it fails to satisfy the five
17 element test for newly discovered evidence to entitle a petitioner to relief under RAP
18 16.4(c)(3). Each element is considered separately.

19 i. **The petitioner has failed to establish that the results**
20 **will probably change if a new trial is granted.**

21 This element is largely a conclusion based upon the other elements. So the detailed
22 explanations of why it is not effective is contained in the analysis of the other four
23 elements. However, in summary, here, the evidence upon which Wilson attempts to rely
24 would not "probably change" the results if Wilson were re-tried on counts I and II. Even if
25 it were competent and admissible, and even if it were believed by the jury, it was

1 essentially cumulative to Wilson's evidence that he could not have committed the robbery
2 because he was with his father. Moreover, neither Walsh's, nor Lamp's own statements,
3 exonerate Wilson.

4 Lamp's statement demonstrates that Wilson knew who committed the robbery and
5 that Wilson did not identify Lamp. However, it in no way exonerates Wilson. It shows he
6 knew about the facts of the robbery and opens up the possibility that Lamp may have been
7 an accomplice to Wilson. Walsh's statement that Lamp took the jacket sometime earlier is
8 also of no help, because it in no way establishes that Wilson couldn't have been wearing
9 the jacket at the time of the robbery. Walsh's statement does nothing to show when Lamp
10 allegedly took the jacket, or what happened to it after he did. For that reason, it in no way
11 establishes that Wilson didn't commit the robbery.

12 The Statements of Lamp and Walsh are not material and are at best cumulative of
13 the evidence that Wilson didn't commit the crime because he was with his father.

14
15 **ii. The petitioner has failed to establish that the statement**
16 **by Walsh was discovered after trial.**

17 The declaration of Patrick Pitt gives no indication of when Walsh made his
18 statement to Chase. It merely states that it occurred when Chase was in the Pierce County
19 Jail, sometime prior to Chase being sentenced. The robbery of the Java 2 Go stand
20 occurred on December 15, 2008, and Wilson's trial commenced on November 2, 2009.
21 Assuming that Patrick Pitt has correctly identified Walsh, booking records from the Pierce
22 County Jail indicate that after the robbery of the Java 2 Go stand was committed, Chase
23 and Walsh were in the Pierce County jail at the same time from January 30, 2009, to May
24 28, 2009, and also from January 20, 2012, until March 6, 2012. *See* Appendix S
25 (Declaration of Stephen Trinen), Exs. 1, 2. If Walsh made the statement to Chase between
January 30, 2009, and May 28, 2009, that information may have been discovered before

1 the start of trial. Certainly, nothing in the petition demonstrates that it was not, for which
2 reason, with regard to Walsh's statement, the petitioner fails to satisfy his burden as to this
3 element.

4 To the extent that the petition indicates that the Statement by Lamp was made in
5 early 2010, it would necessarily had to have been discovered after trial, where the jury
6 returned its verdict on November 13, 2009. So the alleged statement by Lamp does satisfy
7 this element.

8 **iii. The petitioner has failed to establish the evidence could**
9 **not have been discovered before trial through due**
10 **diligence.**

11 Lamp was in-custody in the Pierce County jail from January 13, 2009, to February
12 2, 2010. Wilson's counsel was aware of the January 3 robbery to which Lamp pleaded
13 guilty, and was also aware that Lamp was in custody because counsel referred to it in
14 opposing the motion to consolidate Wilson's three cases for trial. *See* Appendix T
15 (Memorandum Opposing State's Motion to Join, p. 10. *See also* RP 05-28-09, p. 15, ln. 3-
16 10; p. 15, ln. 23 to p. 16, ln. 4; p. 17, ln. 12 to p. 18, ln. 9. Trial counsel for the petitioner
17 could have contacted him for an interview. Lamp entered a plea agreement to two other
18 robberies, and could have made an agreement that included this case as well if in fact he
19 had committed this crime.

20 Trial counsel certainly could have presented at trial the evidence from Lamp's other
21 cases and argued that Lamp was in fact the perpetrator and not Wilson. Indeed, such a
22 defense was considered at the motion to oppose joinder, but was ultimately not pursued at
23 trial. Presumably this was because in light of the identification evidence indicating
24 Wilson, the argument and evidence that Lamp was the perpetrator was weak.
25

1 **iv. The petitioner has failed to establish that the evidence is**
2 **material.**

3 Chase alleged that Lamp stated to him that Wilson had been convicted and was
4 serving a sentence for a robbery that had been committed by Lamp, and that he respected
5 Wilson who had not disclosed Lamp's identity. Declaration of Patrick Pitt, p. 6, para. f.
6 Nothing in that statement indicates that Wilson did not commit the robbery, or that he was
7 not properly convicted.

8 To the contrary, Lamp's alleged statement indicates that Wilson was aware of the
9 robbery, and that he knew that Lamp had participated in it, but that Wilson had not
10 disclosed Lamp's participation in the robbery. This is because Lamp's statement and praise
11 of Wilson for not identifying him as the robber makes no sense whatsoever if Wilson didn't
12 know of Lamp's participation in the robbery.

13 Not only does the statement not exonerate Wilson, it could be inferred to indicate
14 that Lamp and Wilson were accomplices in the robbery. Certainly, the victim of the
15 robbery only saw one robber, whom she identified as Wilson. 1RP 174, ln. 4 to p. 175, ln.
16 8. The robber, Wilson, came up to the window on foot, but he had already managed to
17 leave the area within three to ten minutes because that's when officers arrived, and when
18 they did, they attempted to contain the area by having other units surround the area and
19 they deployed a canine unit right away but it was unable to track the robber. 1RP 77, ln.
20 20-22; p. 79, ln. 20 to p. 80, ln. 3; p. 173, ln. 4-7.

21 Based on this, it was entirely possible that the robber, Wilson, retreated to a vehicle
22 outside the view of the coffee stand and left the scene in it. Nothing in either the facts at
23 trial nor in Lamp's alleged statement to Chase precludes Wilson and Lamp from working
24 as accomplices, with Lamp acting as the mastermind and/or driver and lookout, while
25 Wilson went to the window and committed the robbery. For that reason, nothing in
Lamp's alleged statement exonerates Wilson.

1 Lamp did have an accomplice in his vehicle when he committed his espresso stand
2 robbery on January 3, 2009.¹ Appendix E (Information and Declaration for Determination
3 of PC on 09-1-00027-3).

4 Similarly, nothing in Walsh's statement exonerates Wilson. Based on Lamp's
5 alleged statement, Wilson and Lamp were clearly well acquainted with each other and their
6 mutual connection to the robbery. Given that Lamp had allegedly at some unspecified
7 time stolen the jacket from Walsh in no way demonstrates that Lamp committed the
8 robbery. It is entirely possible that Wilson got the coat from Lamp some time after Lamp
9 took it from Walsh, and that Wilson was in fact wearing the jacket during the robbery.

10 **v. The petitioner has failed to establish that the evidence**
11 **is not merely cumulative or impeaching**

12 Wilson's defense at trial included a claim that he didn't commit the crime, someone
13 else did. Wilson's father testified that Wilson was with his father when the robbery
14 occurred. The defense also presented cell phone information based on cell towers that they
15 claimed demonstrated that. Based on this evidence, Wilson's counsel argued in closing
16 that Wilson could not have committed the crime. *See* 3RP 369, ln. 2 to p. 371, ln. 18; p.
17 372, ln. 13 to p. 377, ln. 14.

18 Where Wilson presented evidence that he did not commit the robbery because he
19 was with his Father, evidence to suggest that Lamp committed the December 15 robbery
20 would be cumulative. Moreover, by presenting evidence allegedly suggesting that Lamp
21 specifically committed the robbery, the defendant would have run the risk that if the jury
22 found such evidence unconvincing, it would have considered it more likely that he in fact

23
24
25 ¹The State is not suggesting that Wilson was the accomplice in that robbery. He could not have been as he
was booked into the Pierce County Jail on January 2, the day before it occurred. The State's only point is
that having used an accomplice on January 3, 2009, it is entirely plausible that Lamp would have been
willing to work as an accomplice with Wilson in this, the December 15 robbery.

1 was the robber. For this reason, even if the two statements by Lamp and Walsh were
2 admissible, they would have merely been cumulative.

3 c. Several of the factual claims made in support of the
4 petition do not support Wilson's position that he is entitled
5 to relief.

6 **i. The image of the robber in the video is not**
7 **indicative of Lamp.**

8 In his declaration, Patrick Pitt states,

9 It is particularly noted in the still images (PAP/2) that whilst not totally
10 covered [sic] his facial area the offender has taken care to cover both his
11 face, neck and potentially the eyelid area.

12 Declaration of Patrick Pitt, p. 8; p. 9, para. g.

13 The apparent inference being suggested is that the person in the surveillance video
14 must be Lamp, because he dressed as he did in an attempt to cover his tattoos to reduce the
15 risk of his being identified. However, that inference is without merit for three reasons.
16 First, if Lamp had been the robber his teardrop tattoo and eyelid tattoos would have been
17 obvious to the coffee stand clerk. The clerk only looked at the robber briefly a couple of
18 times and when the clerk was looking at him, the robber kept looking down and had a hat
19 on so she could only see his nose and his mouth. 1RP 173, ln. 14-15. However, his face is
20 visible on the surveillance video and there is no indication of a teardrop or eyelid tattoo.
21 The surveillance camera is positioned well above both the clerk and the robber and in the
22 video image the robber's face is clearly visible. The way the robber was dressed was not
23 sufficient to hide Lamp's tattoos.

24 Second, the clothing was sufficient to keep the robber warm. The robber was
25 outside the window on foot, and it was cold. Historical weather records indicate the
temperature at noon that day was under or at 30 degrees. See Appendix S, Exs. 13, 14.

1 Third, Lamp made no attempt to hide his face tattoos in the two robberies to which
2 he pleaded guilty. In the robbery he committed on November 17, 2008, Lamp was
3 wearing a light grey sweatshirt, and the victim could see his eyelid tattoos. Appendix S,
4 Exhibit 8 (Police report on CA# 09-1-00780-4). In the January 3, 2009 robbery, Lamp
5 arrived in a car with an accomplice, and the victim clearly saw a 666 tattoo on Lamp's
6 head, and the teardrop tattoo on his cheek. Appendix S, Ex. 9 (Police Report on CA# 09-
7 1-00134-2). It is also worth noting that in neither of those robberies was Lamp wearing
8 the distinctive red and white leather jacket at issue in this case.

9 For all these reasons, nothing about the robber's clothing or manner of dress in this
10 case is more suggestive of the robber being Lamp than Wilson.

11 **ii. The Victim's identification of Wilson was**
12 **corroborated.**

13 The evidence supported the clerk's identification of Wilson. The clerk's
14 observations and description of the robber were more consistent with Wilson. The clerk
15 testified that he had a big nose. 1RP 171, ln. 19. Lamp's nose is slender and rather small,
16 while Wilson's nose is relatively large. See Appendix S (Declaration of Stephen Trinen)
17 and compare Exhibit 5 (Wilson's booking photo) with Exhibits 6, and 7 (Lamp's booking
18 photos from before and after the date of the December 15, 2008 robbery). Nor did the
19 clerk notice any tattoos. See 1RP 78, ln. 19 to p. 79, ln. 3; p. 171, ln. 18-19; p. 179, ln. 25
20 to p. 180, ln. 5.

21 The clerk also picked Wilson out of a photo montage, in which she viewed it long
22 enough to look at it, then selected Wilson's photo. 1RP 122, ln. 3-14. In that montage,
23 Wilson's was not the picture that looked most like Lamp. Several of the other images bore
24 a closer resemblance to Lamp, and arguably, Wilson's was the least like Lamp. See
25 Appendix S, Exhibit 10 (Photo Montage of Robert Wilson).

1 More significantly, the robber in this case was wearing pants with an extremely
2 distinctive scroll pattern pocket detail. They are evident in the black and white
3 surveillance video from the exterior of Java 2 Go. The image of the pants is clearer on the
4 video than on the still photographs made from the video. 1RP 127, ln. 4-9. Compare
5 Exhibit 12 (the second video file named, "CD_DVD_LocalHost_ch03[Clip 1]Part1
6 [720x480x7fps].avi" with Appendix S, Exhibit 11. When he was arrested, Wilson was
7 wearing those pants. *See* Appendix S, Exhibit 11 (Photos of Wilson's pants at arrest on 01-
8 02-2009). *See also*, 1RP 127, ln. 10-15.

9 The victim was not the only person who recognized Wilson as the robber. Deputy
10 Filing, the case officer in this case, had in his car a Crime Stoppers bulletin from this
11 robbery that contained a photo image from the surveillance video.² On cross examination,
12 in the course of developing a theory that Wilson was the victim of misidentification,
13 Wilson's trial counsel elicited from Deputy Filing, that a confidential informant working
14 with the auto theft task force saw the bulletin from this robbery in Deputy Filing's car, and
15 told him that the robber in the photo looked like Wilson. 1RP 135, ln. 1 to p. 137, ln. 20.

16 **iii. The Crime Stoppers Bulletin For Lamp Did Not**
17 **List Him As A Suspect in Multiple Robberies.**

18 Wilson's private investigator, Patrick Pitt, also states in his declaration that

19 The series [of espresso stand robberies] was of sufficient concern as to
20 generate a Crime Stoppers Poster which was published by the press across
a significant geographical area naming Lamp as an armed robbery suspect
in connection with the offenses.

21 Declaration of Patrick Pitt, p. 8, and Attachment 3. However, the Crime Stoppers poster
22 does not refer to a series of espresso stand robberies. Instead, it lists Lamp as a suspect in
23

24
25 ² This is a different Crime Stoppers bulletin than the one attached to the Declaration of Patrick Pitt. That was
the Crime Stoppers bulletin from Lamp's January 23 robbery.

1 only one robbery, the January 3rd robbery of the Java Girls Espresso stand in Tacoma. *See*
2 Declaration of Patrick Pitt, Attachment 3.

3 3. THE PETITIONER IS NOT ENTITLED TO A REFERENCE
4 HEARING

5 The petitioner seeks a reference hearing in the superior court. *See* Petition at 5,
6 7. In support of that the petitioner cites to *Rice*. Petition at 7 (Citing *Rice* 118 Wn.2d
7 at 886.) However, under RAP 16.11(b), the court will only transfer a petition to the
8 superior court for a reference hearing if the petition cannot be determined solely on the
9 record. *Rice*, which is cited by the petitioner for support stands for the same
10 proposition. In *Rice*, the court said,

11 Once the petitioner makes the threshold showing, the court will then
12 examine the State's response to the petition. The State's response must
13 answer the allegations of the petition and identify all material disputed
14 questions of fact. RAP 16.9. In order to define disputed questions of fact,
15 the State must meet the petitioner's evidence with its own competent
16 evidence. If the parties' materials establish the existence of material
17 disputed issues of fact, then the superior court will be directed to hold a
18 reference hearing in order to resolve the factual questions.

19 Here, the petitioner has failed to meet his preliminary requirement to present
20 competent admissible evidence of the statements of Lamp and Walsh, where he does
21 not have those statements in affidavits from Walsh and Chase.

22 Moreover, he has failed to meet his requirement to establish the five elements
23 that are required for relief based on newly discovered evidence.

24 Wilson's failure to meet his burden in either regard would preclude him from
25 the relief of a reference hearing. Having failed to meet his burdens, there are no
material disputed questions of fact, for which reason, Wilson is not entitled to the relief
of a reference hearing. Instead, the petition should be dismissed as without merit.

1 4. THE PETITION ONLY IMPLICATES THE ROBBERY
2 CONVICTION IN COUNT I, AND DOES NOT AFFECT HIS
3 CONVICTIONS AS TO THE OTHER COUNTS.

4 In the event the Court were to disagree with the state and determine that the
5 defendant were entitled to relief, he would only be entitled to relief as to count I, robbery,
6 and count II, unlawful possession of a firearm, where these are the two offenses committed
7 on December 15, 2008. Wilson would not be entitled to relief as to the other charges
8 where they derive from separate incidents and are not implicated by the alleged statements
9 that Wilson claims are exculpatory.

10 F. CONCLUSION

11 Wilson fails to meet his preliminary burden to present competent admissible
12 evidence in support of his petition. For that reason, the petition should be dismissed as
13 without merit.

14 Wilson fails to establish the five elements that are required before newly
15 discovered evidence will entitle a petitioner to relief. For that reason, the petition should
16 be dismissed as without merit.

17 Wilson is not entitled to a reference hearing where the court can consider the
18 petition on the merits because there are no material disputed questions of fact that support
19 Wilson's claim.

1 Even if the Court were to disagree with the State and hold Wilson is entitled to a reference
2 hearing, the only counts on which he would be entitled to that relief would be Count I,
3 robbery, and count II, unlawful possession of a firearm, both of which occurred on
4 December 15, 2008.

5 DATED: December 9, 2013.

6 MARK LINDQUIST

7 Pierce County

8 Prosecuting Attorney

9 

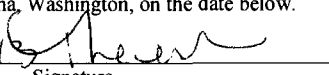
10 STEPHEN TRINEN

11 Deputy Prosecuting Attorney

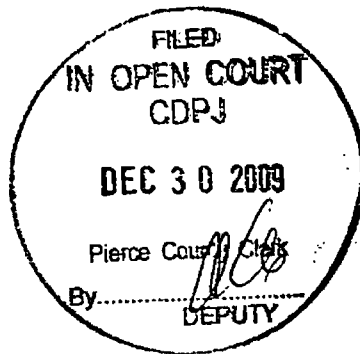
12 WSB # 30925

13 Certificate of Service:

14 The undersigned certifies that on this day she delivered by U.S. mail or
15 ABC-LMI delivery to the petitioner true and correct copies of the document to
16 which this certificate is attached. This statement is certified to be true and
17 correct under penalty of perjury of the laws of the State of Washington. Signed
18 at Tacoma, Washington, on the date below.

19 12-9-13 
20 Date Signature

Appendix A
Warrant of Commitment and Judgment and Sentence
Filed 12-30-09



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 09-1-00181-4

DEC 31 2009

vs.

ROBERT SHERMAN WILSON,

Defendant.

WARRANT OF COMMITMENT

- 1) ☐ County Jail
2) ☒ Dept. of Corrections
3) ☐ Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

X 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

WARRANT OF
COMMITMENT -1

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2173
Telephone: (253) 798-7400

[] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for
classification, confinement and placement as ordered in the Judgment and Sentence.
(Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: 12/30/09

By direction of the Honorable

JUDGE
KEVIN STOCK **RONALD E. CULPEPPER**

CLERK
By: Chris Hutton
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

DEC 31 2009
Date By Chris Hutton Deputy

STATE OF WASHINGTON

ss:

County of Pierce

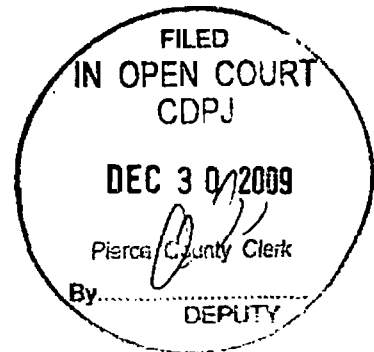
I, Kevin Stock, Clerk of the above entitled
Court, do hereby certify that this foregoing
instrument is a true and correct copy of the
original now on file in my office.

IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of Said Court this
_____ day of _____.

KEVIN STOCK, Clerk

By: _____ Deputy

lw



*Defendant should be offered drug treatment
in Department of Corrections, BUREAU
12/30/2009*

FILED
IN OPEN COURT
CDPJ
DEC 30 2009
Pierce County Clerk
Plaintiff By CAUSE NO. 09-1-00181-4
Defendant

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

DEC 31 2009

va.

ROBERT SHERMAN WILSON

SID: WA20160357

DOB: 05/16/1984

JUDGMENT AND SENTENCE (FJS)

☒ Prison [] RCW 9.94A.712 Prison Confinement
☐ Jail One Year or Less
☐ First-Time Offender
☐ Special Sexual Offender Sentencing Alternative
☐ Special Drug Offender Sentencing Alternative
☐ Breaking The Cycle (BTC)
☐ Clerk's Action Required, para 4.5
 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6
 and 5.8

I. HEARING

- 1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on 11/13, 2009
 by [] plea [X] jury-verdict [] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE	DATE OF CRIME	INCIDENT NO.
I	ROBBERY IN THE FIRST DEGREE (AAA2)	9A.56.190 9A.56.200(1)(a)(ii) 9.41.010 9.94A.310/9.94A.510 9.94A.370/9.94A.530	F	12/15/08	PCSD 083500698
II	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE (GGG66)	9.41.010(12) 9.41.040(1)(a)	None	12/15/08	PCSD 083500698

09-9-66401-1

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
III	UNLAWFUL POSSESSION OF A STOLEN VEHICLE (BBB13)	9A.56.068 9A.56.140	None	01/02/09	PCSD 083500698
IV	ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE (GGG1A)	46.61.024(1)	None	01/02/09	PCSD 083500698
V	ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE (GGG1A)	46.61.024(1)	None	11/18/08	PCSD 083500698
VI	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE (GGG66)	9.41.010(12) 9.41.040(1)(a)	None	12/15/08	PCSD 083500698
VII	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE (J73M)	69.50.4013	None	11/18/08	PCSD 083500698

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as found guilty by jury and as charged in the SECOND AMENDED Information

- ☒ A special verdict/finding for use of firearm was returned on Count(s) I
 RCW 9.94A.602, 9.94A.533.
- ☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- ☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	ADULT JUV	TYPE OF CRIME
1	THEFT 2	8/18/03	Grays Harbor, WA	5/19/03	Adult	NV
2	PSP 2	6/25/07	Grays Harbor, WA	10/25/04	Adult	NV
3	ATT ROBBERY 1	1/31/06	Pierce Cty, WA	11/15/05	Adult	V
4	UPFIREARM II	1/31/06	Pierce Cty, WA	11/15/05	Adult	NV
5	OTHER CURRENT					

- ☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	11	IX	129 - 171 months	F - 60 months	189 - 231 months	LIFE/ \$50,000
II	10	VII	87 - 116 months	None	87 - 116 months	10yrs/ \$20,000
III	10	II	43 - 57 months	None	43 - 57 months	10yrs/ \$20,000
IV	10	I	22 - 29 months	None	22 - 29 months	5yrs/ \$10,000
V	10	I	22 - 29 months	None	22 - 29 months	5yrs/ \$10,000
VI	10	VII	87 - 116 months	None	87 - 116 months	10yrs/ \$20,000
VII	10	II	60+ - 120 months	None	60+ - 120 months	10yrs/ \$20,000

2.4 ☐ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

☐ within ☐ below the standard range for Count(s) _____.

☐ above the standard range for Count(s) _____.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

☐ The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

- 2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows: _____

III. JUDGMENT

- 3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.
- 3.2 ☐ The court DISMISSES Counts _____ ☐ The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

- 4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RIN/RIN \$ _____ Restitution to: by LOC

\$ _____ Restitution to: _____

(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Crime Victim assessment

DNA \$ 100.00 DNA Database Fee

PUB \$ _____ Court-Appointed Attorney Fees and Defense Costs

FRC \$ 200.00 Criminal Filing Fee

FCM \$ _____ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 800.00 TOTAL

☐ The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☐ shall be set by the prosecutor.

☐ is scheduled for _____

☐ RESTITUTION. Order Attached

☐ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☒ All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ _____ per month commencing _____. RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

[] **COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.2 [X] **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

[] **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 **NO CONTACT** JAVA-2-60 +
The defendant shall not have contact with Alysha Chandler (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).

[] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 **OTHER:** Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4a **BOND IS HEREBY EXONERATED**

4.5 **CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:

(a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

140 months on Count I 57 months on Count VI
116 months on Count II months on Count

09-1-00181-4

29 months on Count IV 116 months on Count VI
29 months on Count V 120 months on Count VII
A special finding/verdict having been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

60 months on Count No I months on Count No
months on Count No months on Count No
months on Count No months on Count No
months on Count No months on Count No

Sentence enhancements in Counts I shall run
[] concurrent [X] consecutive to each other. base time.
Sentence enhancements in Counts I shall be served
[X] flat time [] subject to earned good time credit

Actual number of months of total confinement ordered is: _____

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

[] The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 362 days

4.6 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months,

Count _____ for _____ months,

Count _____ for _____ months,

☒ COMMUNITY CUSTODY is ordered as follows:

Count I for a range from: 18 mo to _____ Months,

Count _____ for a range from: _____ to _____ Months,

Count _____ for a range from: _____ to _____ Months,

Count _____ for a range from: _____ to _____ Months,

Count _____ for a range from: _____ to _____ Months,

Count _____ for a range from: _____ to _____ Months,

Count _____ for a range from: _____ to _____ Months,

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offense not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with

the orders of the court as required by DOC, and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

☐ The defendant shall not consume any alcohol.

☒ Defendant shall have no contact with: Alysha Chandler

☐ Defendant shall remain ☐ within ☒ outside of a specified geographical boundary, to wit:

JAVA - 2 - GO

☐ Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8))

☐ The defendant shall participate in the following crime-related treatment or counseling services: _____

☐ The defendant shall undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse

☐ mental health ☐ anger management and fully comply with all recommended treatment.

☐ The defendant shall comply with the following crime-related prohibitions: _____

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: _____

☐ For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7 ☐ **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus

petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

☐ Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

N/A

5.8 ☐ The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: Defendant may enter into drug treatment
if available in prison

DONE in Open Court and in the presence of the defendant this date:

JUDGE

Print name

RONALD E. CULPEPPER

Deputy Prosecuting Attorney

Print name:

SUNMI KO

WSB #

20425

Attorney for Defendant

Print name:

PAUL J. LANDON

WSB #

22175

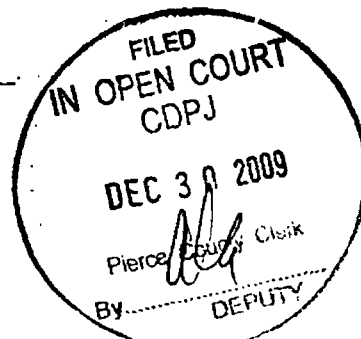
Defendant

Print name:

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050, or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature:

[Signature]



CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 09-1-00181-4

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF COURT REPORTER

 KARLA JOHNSON
Court Reporter

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- ☐ sex offense
☐ serious violent offense
☐ assault in the second degree
☒ any crime where the defendant or an accomplice was armed with a deadly weapon
☐ any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

- ☐ (I) The offender shall remain within, or outside of, a specified geographical boundary: _____
- ☐ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: _____
- ☐ (III) The offender shall participate in crime-related treatment or counseling services;
- ☐ (IV) The offender shall not consume alcohol; _____
- ☐ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or
- ☐ (VI) The offender shall comply with any crime-related prohibitions.
- ☐ (VII) Other: _____

IDENTIFICATION OF DEFENDANT

SID No. WA20160357

Date of Birth 05/16/1984

(If no SID take fingerprint card for State Patrol)

FBI No. 968390PB3

Local ID No. UNK

PCN No. 539668391

Other

Alias name, SSN, DOB: _____

Race:

☐ Asian/Pacific Islander ☐ Black/African-American☒ Caucasian

Ethnicity:

☐ Hispanic

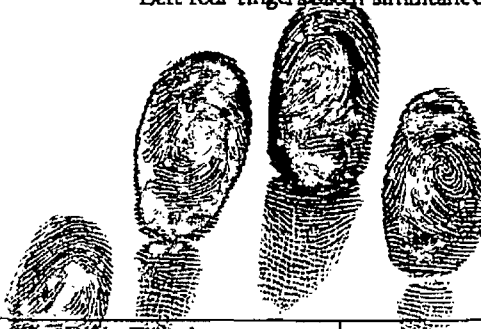
Sex:

☒ Male☐ Native American ☐ Other: _____☒ Non-Hispanic☐ Female

FINGERPRINTS

Left four fingers taken simultaneously

Left Thumb



Right Thumb

Right four fingers taken simultaneously



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, A. Edwards Dated: 12-30-09

DEFENDANT'S SIGNATURE: [Signature]

DEFENDANT'S ADDRESS: _____

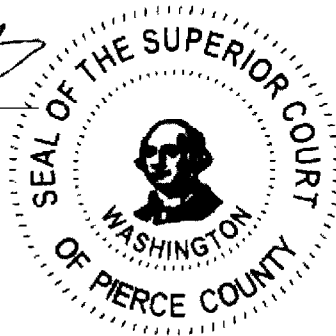
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:03 AM



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<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: C3823E00-110A-9BE2-A908430B1F85B871**.

This document contains 15 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix B
Information
Filed 01-12-09

January 12 2009 10:25 AM

KEVIN STOCK
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00181-4

vs.

ROBERT SHERMAN WILSON,

INFORMATION

Defendant.

DOB: 5/16/1984

SEX : MALE

RACE: WHITE

PCN#:

SID#: 20160357

DOL#: WA WILSORS166KW

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of ROBBERY IN THE FIRST DEGREE, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 15th day of December, 2008, did unlawfully and feloniously take personal property belonging to another with intent to steal from the person or in the presence of an employee of Java 2 Go, the owner thereof or a person having dominion and control over said property, against such person's will by use or threatened use of immediate force, violence, or fear of injury to an employee of Java 2 Go, said force or fear being used to obtain or retain possession of the property or to overcome resistance to the taking, and in the commission thereof, or in immediate flight therefrom, the defendant displayed what appeared to be a firearm or other deadly weapon, to-wit: a handgun, contrary to RCW 9A.56.190 and 9A.56.200(l)(a)(ii), and against the peace and dignity of the State of Washington.

DATED this 12th day of January, 2009.

PIERCE COUNTY SHERIFF
WA02700

GERALD A. HORNE
Pierce County Prosecuting Attorney

pks

By: /s/ PHILIP K. SORENSEN
PHILIP K. SORENSEN
Deputy Prosecuting Attorney
WSB#: 16441

INFORMATION- 1

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

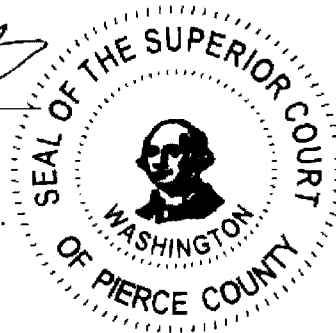
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 04 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Magdalena Montiel, Deputy.

Dated: Dec 4, 2013 11:31 AM



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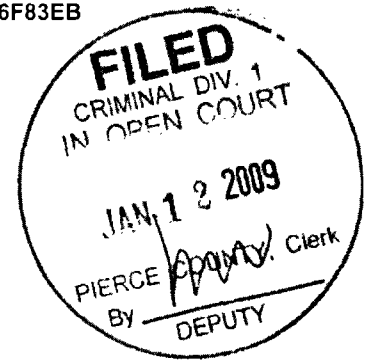
<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: BF189177-F20F-6452-D42799122107C824**.

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Appendix C
Memorandum of Journal Entry
Filed 01-12-09

Case Number: 09-1-00181-4 Date: December 4, 2013
SerialID: BFE899F0-F20F-6452-DA4074391D6F83EB
Certified By: Kevin Stock Pierce County Clerk, Washington

**IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON**

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

MEMORANDUM OF JOURNAL ENTRY

vs.

Page 1 of 2

WILSON, ROBERT SHERMAN

Judge: CRIMINAL DIVISION 1

Court Reporter: KRISTINE TRIBOULET

Judicial Assistant/Clerk: Heather Wynne

PHILIP K. SORENSEN

Prosecutor

Proceeding Set: ARRAIGNMENT

Proceeding Date: 01/12/09 13:30

Proceeding Outcome: ARRAIGNED

Resolution:

Clerk's Code:

Proceeding Outcome code: ARRAIGN

Resolution Outcome code:

Amended Resolution code:

Case Number: 09-1-00181-4 Date: December 4, 2013
SerialID: BFE899F0-F20F-6452-DA4074391D6F83EB
Certified By: Kevin Stock Pierce County Clerk, Washington

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

**MEMORANDUM OF
JOURNAL ENTRY**

vs.

Page: 2 of 2

WILSON, ROBERT SHERMAN

Judge:

CRIMINAL DIVISION 1

MINUTES OF PROCEEDING

Judicial Assistant/Clerk: Heather Wynne

Court Reporter: KRISTINE TRIBOULET

Start Date/Time: 01/14/09 8:55 AM

January 12, 2009 03:06 PM

This matter comes before the Court for an Arraignment. DPA Robert Yu on behalf of the State. The defendant is present in custody and represented by Defense Counsel Dixie Kreig. The state is requesting bail in the amount of \$100,000.00. Defense Counsel reserves bail argument. The Court sets bail in the amount of \$100,000.00

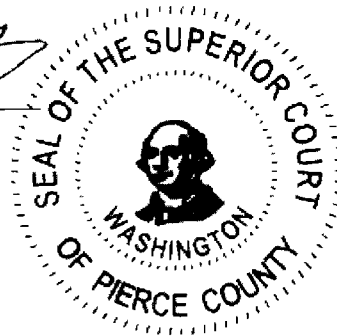
End Date/Time:

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 04 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.
Dated: Dec 4, 2013 3:18 PM



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enter **SerialID: BFE899F0-F20F-6452-DA4074391D6F83EB**.

This document contains 2 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix D
Information
and
Declaration for Determination of Probable Cause
on CA# 08-1-05561-4
Filed 11-21-08

November 21 2008 10:39 AM

KEVIN STOCK
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 08-1-05561-4

vs.

ROBERT SHERMAN WILSON,

INFORMATION

Defendant.

DOB: 5/16/1984

SEX : MALE

RACE: WHITE

PCN#:

SID#: 20160357

DOL#: WA WILSORS166KW

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 18th day of November, 2008, did unlawfully, feloniously, and wilfully fail or refuse to immediately bring his vehicle to a stop and drive his vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring his vehicle to a stop by a uniformed officer in a vehicle equipped with lights and sirens, contrary to RCW 46.61.024(1), and against the peace and dignity of the State of Washington.

COUNT II

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

INFORMATION- 1

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

1 That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 18th day of
2 November, 2008, did unlawfully, feloniously, and knowingly own, have in his possession, or under his
3 control a firearm, he having been previously convicted in the State of Washington or elsewhere of a
4 serious offense, as defined in RCW 9.41.010(12), contrary to RCW 9.41.040(1)(a), and against the peace
and dignity of the State of Washington.

COUNT III

5 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the
6 authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of
UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE, a crime of the same or similar
7 character, and/or a crime based on the same conduct or on a series of acts connected together or
8 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and
9 occasion that it would be difficult to separate proof of one charge from proof of the others, committed as
follows:

10 That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 18th day of
11 November, 2008, did unlawfully and feloniously, possess a controlled substance, to-wit:
Methamphetamine, classified under Schedule II of the Uniform Controlled Substances Act, contrary to
12 RCW 69.50.4013, and against the peace and dignity of the State of Washington.

COUNT IV

13 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the
14 authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of
15 OBSTRUCTING A LAW ENFORCEMENT OFFICER, a crime of the same or similar character, and/or
16 a crime based on the same conduct or on a series of acts connected together or constituting parts of a
single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be
17 difficult to separate proof of one charge from proof of the others, committed as follows:

18 That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 18th day of
19 November, 2008, did unlawfully, willfully hinder, delay, or obstruct any law enforcement officer in the
discharge of his or her official powers or duties; with knowledge that the law enforcement officer was
20 discharging official duties at the time, contrary to RCW 9A.76.020(1), and against the peace and dignity

///
21 ///
22 ///
23 ///
24 ///

1 of the State of Washington.

2 DATED this 21st day of November, 2008.

3 PUYALLUP POLICE DEPARTMENT
4 WA02701

GERALD A. HORNE
Pierce County Prosecuting Attorney

5 tfj

By: /s/ TIMOTHY F. JONES

6 TIMOTHY F. JONES
7 Deputy Prosecuting Attorney
8 WSB#: 15928
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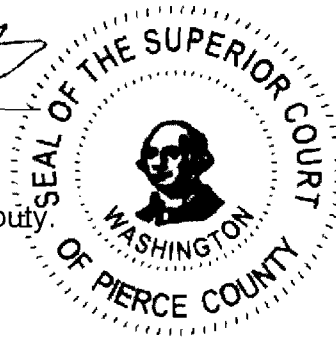
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Dorylee Phillips-Reyes, Deputy.

Dated: Dec 9, 2013 8:21 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

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November 21 2008 10:39 AM

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN STOCK
COUNTY CLERK

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 08-1-05561-4

vs.

ROBERT SHERMAN WILSON,

DECLARATION FOR DETERMINATION OF
PROBABLE CAUSE

Defendant.

TIMOTHY F. JONES, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the PUYALLUP POLICE DEPARTMENT, incident number 08010597;

That the police report and/or investigation provided me the following information;

That in Pierce County, Washington, on or about the 18th day of November, 2008, the defendant, ROBERT SHERMAN WILSON, did commit the crimes of Unlawful Possession of a Firearm in the First Degree, Attempting to Elude a Pursuing Police Vehicle, Unlawful Possession of a Controlled Substance – Methamphetamine, and Obstructing a Public Servant.

On the above listed date at approximately 12:18 a.m. Puyallup Police Officer Scott Engle was on routine patrol eastbound on 104th St. E., Puyallup, driving his fully marked police patrol vehicle and wearing his department issued police uniform. Officer Engle noticed a vehicle approaching that appeared to be traveling faster than the posted speed limit of 35 mph. He activated his speed measuring device and clocked the oncoming vehicle at 67 mph in the 8200 block of 104th St. E. Officer Engle performed a U-turn and pulled in behind the vehicle at 104th St. E. and Fruitland Ave. E., activating his emergency lights to conduct a traffic stop. The vehicle turned right onto Fruitland Ave. E went a short distance then pulled to the shoulder.

Officer Engle approached the drivers' side window, advised the driver why he was pulled over and asked for license and registration. The driver, identified as the defendant, handed Officer Engle his paper Washington drivers license. As the defendant was handing over his license Officer Engle noticed a very large shiny silver revolver style handgun on the passenger floorboard, well within the defendant's reach. Officer Engle gave verbal commands to the defendant to not make any sudden movements towards the gun as he drew his duty weapon and began to back away from the vehicle. The defendant began to lean forward and Officer Engle could not tell if he as reaching for the gun or not. Engle got to his patrol car and advised dispatch of the gun.

As Officer Engle was notifying dispatch, the defendant started the car and sped away at a high rate of speed. Officer Engle got back into his patrol car, activated his siren and notified dispatch that he was pursuing the fleeing vehicle. The defendant went northbound on Fruitland Ave E. at speeds between 80 mph and 90 mph and drove into the oncoming lanes of travel from the 9600 block to the 9000 block. As the pursuit reached Fruitland Ave. E and 84th St. E, the defendant made a sudden left turn and headed westbound on 84th St. E. The defendant immediately turned into a driveway, exited his car and took off on foot. Office Engle exited his patrol car and yelled at the defendant "POLICE, STOP." He then took cover behind his patrol car as he was not going to pursue the defendant on foot because of the firearm.

DECLARATION FOR DETERMINATION
OF PROBABLE CAUSE -1Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

1 Additional officer arrived in the area, to include a K-9 officer. A track was initiated with officers
from various agencies assisting. The track was not successful.

2 While the track was going on dispatch advised Officer Engle that the defendant was driving the
3 same vehicle on 10/21/08 in the city of Puyallup and was stopped for a traffic infraction. Officers
4 contacted the registered owner of the vehicle and she stated the defendant is her boyfriend and has her
5 permission to drive her car. The defendant's physical description, weapon and articles of clothing
6 matched the description of a coffee stand robbery suspect that happened earlier in the day.

7 During an inventory search of the vehicle officers found three .45 caliber bullets, a cell phone, a
8 butter fly knife, an electronic weight scale, a red bandana wrapped around a black glove, two more black
9 gloves and a small plastic baggie containing a white powdery substance. The substance field tested
positive as methamphetamine and weighed 1.1 grams.

10 Through ongoing efforts to locate the defendant a call was made to his probation officer. The
11 defendant was recently released from prison on an Attempted Robbery in the First Degree conviction out
12 of Pierce County. The defendant is suppose to reside in Montesano, but was given permission to visit his
13 father who has a broken leg. Officers contacted the father and learned he has not seen the defendant since
14 November 15.

15 The defendants' whereabouts are unknown; the State requests this matter be opened with a Bench
16 Warrant for the Defendant's arrest.

17 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
18 WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

19 DATED: November 21, 2008

20 PLACE: TACOMA, WA

21 /s/ TIMOTHY F. JONES

22 TIMOTHY F. JONES, WSB# 15928

23
24
DECLARATION FOR DETERMINATION
OF PROBABLE CAUSE -2

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

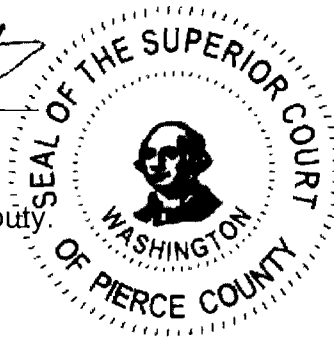
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Dorylee Phillips-Reyes, Deputy.

Dated: Dec 9, 2013 8:21 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

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Appendix E
Information
and
Declaration for Determination of Probable Cause
on CA# 09-1-00027-3
Filed 01-05-09

January 05 2009 9:27 AM

KEVIN STOCK
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00027-3

vs.

ROBERT SHERMAN WILSON,

INFORMATION

Defendant.

DOB: 5/16/1984

SEX : MALE

RACE: WHITE

PCN#: 539668391

SID#: 20160357

DOL#: WA WILSORS166KW

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of UNLAWFUL POSSESSION OF A STOLEN VEHICLE, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 2nd day of January, 2009, did unlawfully and feloniously knowingly possess a stolen motor vehicle, knowing that it had been stolen, contrary to RCW 9A.56.068 and 9A.56.140, and against the peace and dignity of the State of Washington.

COUNT II

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 2nd day of January, 2009, did unlawfully, feloniously, and wilfully fail or refuse to immediately bring his vehicle to

INFORMATION- 1

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

1 a stop and drive his vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after
2 being given a visual or audible signal to bring his vehicle to a stop by a uniformed officer in a vehicle
3 equipped with lights and sirens, contrary to RCW 46.61.024(1), and against the peace and dignity of the
4 State of Washington.

5 DATED this 5th day of January, 2009.

6 PIERCE COUNTY SHERIFF
7 WA02700

GERALD A. HORNE
Pierce County Prosecuting Attorney

8 mlh

9 By: /s/ MICHELLE L. HYER
10 MICHELLE L. HYER
11 Deputy Prosecuting Attorney
12 WSB#: 32724
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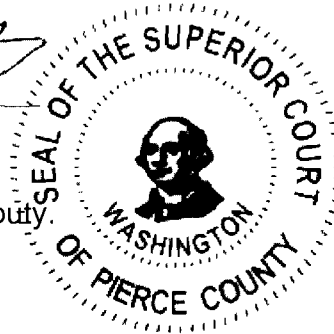
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Dorylee Phillips-Reyes, Deputy

Dated: Dec 9, 2013 8:21 AM



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January 05 2009 9:27 AM

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN STOCK
COUNTY CLERK

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00027-3

vs.

ROBERT SHERMAN WILSON,

DECLARATION FOR DETERMINATION OF
PROBABLE CAUSE

Defendant.

MICHELLE L. HYER, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the PIERCE COUNTY SHERIFF, incident number 090020917;

That the police report and/or investigation provided me the following information;

That in Pierce County, Washington, on or about the 2nd day of January, 2009, the defendant, ROBERT SHERMAN WILSON, did possess a stolen motor vehicle and attempt to elude a police officer.

According to police reports, the defendant was identified as a suspect in an armed robbery of an espresso stand. The defendant also had outstanding warrants for his arrest. In an attempt to apprehend the defendant, officers arrived at a location where they believed the defendant was going to be arriving. At that location, Officer Kocher observed a truck pull into the driveway at the location. The driver of the truck was later identified as the defendant. The truck then exited the driveway and began to drive northbound on 50th Avenue. As Deputy Filing closed in on the truck, he activated the overhead lights on his fully marked patrol vehicle and attempted to stop the defendant. The defendant made an evasive turn and attempted to cut over the opposite lane of travel. Deputy Filing attempted to cut the defendant off and prevent him from escaping. The defendant then stopped the truck and began backing up in the roadway and attempting to turn around. Deputy Filing rammed the truck with his patrol car and pushed it into a ditch on the east shoulder of 50th Avenue. The defendant then jumped out of the truck and began fleeing on foot. Four officers pursued the defendant on foot, while yelling for him to stop. The defendant ignored the commands and jumped over a residential fence. He attempted to run through another residential backyard before he was apprehended.

DECLARATION FOR DETERMINATION
OF PROBABLE CAUSE -1

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Main Office (253) 798-7400

As Deputy Filing closed in on the defendant during the foot pursuit, the defendant threw aside an identification belonging to John Alcorn. Additional charges regarding the identification may be filed as more information becomes available.

The truck the defendant was driving was confirmed stolen. The truck was a 1994 Nissan truck, but it had a shaved Honda key in the ignition.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: January 5, 2009

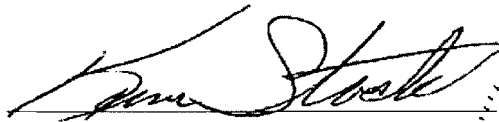
PLACE: TACOMA, WA

/s/ MICHELLE L. HYER
MICHELLE L. HYER, WSB# 32724

DECLARATION FOR DETERMINATION
OF PROBABLE CAUSE -2

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

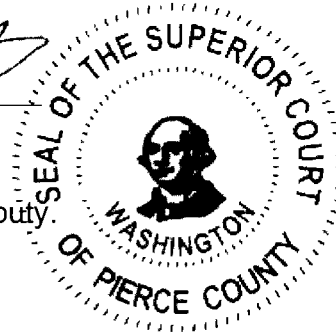
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Dorylee Phillips-Reyes, Deputy

Dated: Dec 9, 2013 8:21 AM



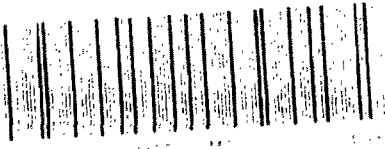
Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

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Appendix F
State's Motion to Join Charges
Filed 03-06-09



IN COUNTY FILED
CLERK'S OFFICE
A.M. MAR - 6 2009 A.M.
PIERCE COUNTY, WASHINGTON
BY KEVIN STOCK, County Clerk
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff, CAUSE NO. 09-1-00181-4

vs.

ROBERT S. WILSON,

STATE'S MOTION TO JOIN CHARGES

Defendant.

FACTS

On November 18, 2008, Puyallup Police Officer Scott Engle was on routine patrol, driving his fully marked police patrol vehicle and wearing his department issued police uniform. Officer Engle noticed a vehicle traveling faster than the posted speed limit of 35 mph. He activated his speed measuring device and clocked the oncoming vehicle at 67 mph. Officer Engle pulled in behind the vehicle and activated his emergency lights to conduct a traffic stop. The vehicle went a short distance, then pulled to the shoulder.

Officer Engle approached the driver's side window and advised the driver why he was pulled over. The driver, Robert Wilson, handed Officer Engle his Washington driver's license. As the defendant was handing over his license, Officer Engle noticed a very large shiny silver revolver style handgun on the passenger floorboard. The handgun was well within the defendant's reach. Officer Engle gave verbal commands to the defendant to not make any sudden movements towards the gun as he drew his duty weapon and began to back away from

1 the vehicle. The defendant began to lean forward and Officer Engle could not tell if he was
2 reaching for the gun. Officer Engle got to his patrol vehicle and advised dispatch of the gun.

3 As Officer Engle was notifying dispatch, the defendant started his vehicle and fled the
4 scene at a high rate of speed. While pursuing the defendant, Officer Engle estimated that the
5 defendant was going 80 to 90 mph. During the pursuit, the defendant turned into a driveway
6 and exited his vehicle. He then took off on foot. Officer Engle did not pursue the defendant on
7 foot because of the firearm. Police were unable to apprehend the defendant, but Officer Engle
8 was able to maintain in his possession the defendant's driver's license.

9 During an inventory search of the vehicle police found **three .45 caliber bullets**, a cell
10 phone, a butterfly knife, an electronic weight scale, a red bandana wrapped around **a black**
11 **glove, two more black gloves** and a small plastic baggie containing white powdery substance.

12 On December 15, 2008, Pierce County Sheriff's deputies responded to the Java-2-Go
13 drive up coffee stand regarding a robbery that had just occurred. Police contacted the barista
14 who reported that a man approached the coffee stand on foot, got up to the window displaying a
15 large **silver handgun**, "cocked" it, then ordered the barista to "give [him] all the money." After
16 taking the money, he fled on foot.

17 During the course of the investigation, police received information that Robert Wilson
18 may be a possible suspect in the coffee stand robbery. Police created a photomontage that
19 included a photo of Wilson. The barista viewed the montage and immediately picked Wilson as
20 the man who had robbed the coffee stand on December 15th. A surveillance video showed the
21 robbery in its entirety as described by the barista and showed the robber "cocking" a large silver
22 handgun. The video also showed the robber wearing a pair of pants with distinct white patterns
23 on its rear pockets. Again, police were unable to apprehend the defendant.
24
25

1 On January 2, 2009, police were attempting arrest the defendant for the coffee stand
2 robbery that occurred on December 15th. When the defendant was located driving in his vehicle,
3 police attempted to stop the vehicle by activating the overhead lights on a fully marked patrol
4 vehicle. The defendant made an evasive turn and attempted to cut over the opposite lane of
5 travel. Police attempted to cut the defendant off and prevent him from escaping. The defendant
6 then stopped his vehicle and began backing up in the roadway, attempting to turn around. Police
7 rammed the defendant's vehicle with his a patrol vehicle and pushed it into a ditch. The
8 defendant jumped out of the truck and began fleeing on foot. Four officers pursued the
9 defendant on foot yelling for him to stop. The defendant ignored the commands and jumped
10 over a residential fence. He attempted to run through another residential backyard before he was
11 apprehended.

12
13 The truck the defendant was driving was confirmed stolen and in the vehicle, police
14 found a shaved Honda key in the ignition. Police also recovered a **holster and a handgrip for a**
15 **handgun.**

16 The defendant was interviewed and he denied being involved in the December 15th coffee
17 stand robbery. During the interview, however, police observed that the defendant was wearing
18 the same pair of pants the robber wore on December 15th. The pants were taken as evidence.

19 For the November 18th, 2008, incident, the defendant was charged with Attempting to
20 Elude a Pursuing Police Vehicle, Unlawful Possession of a Firearm in the First Degree, Unlawful
21 Possession of a Controlled Substance and Obstructing a Peace Officer. For the December 15th
22 incident, the defendant was charged with Robbery in the First Degree. The State will be
23 amending the information to add a charge of Unlawful Possession of a Firearm in the First
24 Degree and a Firearm Sentence Enhancement. For the January 2nd incident, the defendant was
25

1 charged with Attempting to Elude a Pursuing Police Vehicle and Unlawful Possession of a
2 Stolen Motor Vehicle.

3 The three incidents were charged separately and there is now pending three case files, all
4 with separate cause numbers and separate trial dates. The State, therefore, moves to join the
5 three matters, so that the three incidents can all be tried together.

6 ISSUE

- 7 1. Should the State be permitted to join the December 15th robbery incident with the
8 November and January incidents?

9 LAW AND ARGUMENT:

10 Joinder of offenses is governed by Criminal Rule 4.3, which provides as follows:

11 **Joinder of Offenses.** Two or more offenses may be joined in one charge, with each
12 offense stated in a separate count, when the offenses, whether felonies or misdemeanors
13 or both:

14 (1) Are of the same or similar character, even if not part of a single scheme or
15 plan; or

16 (2) Are based on the same conduct or on a series of acts connected together or
17 constituting parts of a single scheme or plan.

18 "CrR 4.3 is a liberal joinder rule and the trial court has considerable discretion in joining
19 offenses." State v. Estabrook, 58 Wn. App. 805, 811, 795 P.2d 151 (II), rev denied, 115 Wn.2d
20 1031 (1990), citing State v. Thompson, 88 Wn.2d 518, 525, 564 P.2d 315 (1977). The policy
21 favoring joint trials was developed in order to minimize the potential burdens on the
22 administration of justice, particularly those burdens placed on the courts and on the witnesses.
23 State v. Ferguson, 3 Wn. App. 898, 906, 479 P.2d 114 (1970), review denied, 78 Wn.2d 996
24 (1971).

25 CrR 4.4 allows a motion to sever counts when severance "will promote a fair
determination of the defendant's guilt or innocence of each offense." CrR 4.4(b). A trial court

1 has broad discretion in determining whether or not to grant a motion to sever counts. State v.
2 Kalakosky, 121 Wn.2d 525, 536, 852 P.2d 1064 (1993).

3 Separate trials are not favored in Washington. State v. Hoffman, 116 Wn.2d 51, 74, 804
4 P.2d 577 (1991). Foremost among the concerns presented by a motion to sever counts is the
5 conservation of judicial resources and public funds. State v. Bythrow, 114 Wn.2d 713, 723, 790
6 P.2d 154 (1990). A single trial requires only one courtroom, one judge, and one group of jurors.
7 Id. The expenditure of time for jury voir dire and trial is significantly reduced when multiple
8 counts are tried together. Id. The reduced delay on the disposition of the criminal charges, at
9 trial and through the appellate process, serves the public's need for an efficient judicial system.
10 Id. These considerations outweigh the minimal likelihood of prejudice through joinder of
11 counts. Id.

12 Factors that tend to cause prejudice due to joinder of offenses include the following. The
13 confusion of presenting separate defenses; the chance that the jury may use evidence of one
14 crime to infer criminal disposition on the part of the defendant, from which he is found guilty of
15 the other crimes; the possibility that the jury may cumulate the evidence of the various crimes;
16 and latent feelings of hostility caused by the charging of several crimes. Bythrow, 114 Wash. 2d
17 at 718.

18 Factors that tend to mitigate prejudice from joinder of offenses include the following: (1)
19 the strength of the State's evidence on each count; (2) the jury's ability to compartmentalize the
20 evidence; (3) the existence and propriety of an instruction to consider each count separately; and
21 (4) the admissibility of the evidence in a separate trial for the other counts under ER 404(b).
22 State v. Kalakosky, 121 Wash. 2d 525, 536-539, 852 P.2d 1064 (1993).
23
24
25

1 In the present case, all factors weigh in favor of joinder. The State's evidence is strong
2 on all counts; the jury will be instructed to consider each crime separately; and the evidence of
3 each crime is cross-admissible to prove the other crimes.

4 Strength of State's Case

5 The rationale behind the "strength of the State's case" test is that if the evidence is weak
6 on one count and strong on other counts, the defendant may be convicted where the evidence is
7 weak only because the jury concludes from the strength of the rest of the State's case that the
8 defendant has a criminal disposition. See State v. Watkins, 53 Wn. 2d at 269. In this case, each
9 count is strong. (As of this writing, the State has not been notified by the defendant, pursuant to
10 CrR 4.7(b)(xiv), of the general nature of the defense.)

11 As the evidence shows, each incident is very strong for the State. Defendant cannot
12 dispute that he eluded the police on two occasions and cannot dispute that he was possession of a
13 stolen car or that he was in possession of a firearm. The only incident he may be able to dispute
14 is the robbery incident. However, as outlined above, he was picked from a montage, the robbery
15 is on video, and he is wearing the same pair of pants he was wearing during the robbery in
16 January when he was arrested.

18 Jury Instructions

19 The State will propose WPIC 3.01, a standard jury instruction that requires the jury to
20 consider each count separately:

21 A separate crime is charged in each count. You must decide each count
22 separately. Your verdict on one count should not control your verdict on any other count.

23 WPIC 3.01. Jurors are presumed to follow the court's instructions. State v. Grisby, 97 Wn.2d
24 493, 499, 647 P.2d 6 (1982). This factor weighs in favor of joinder of counts.

25 Cross-admissibility of Evidence under ER 404(b)

1 The cross-admissibility of evidence tends to negate potential for prejudice. Even when
2 evidence is not cross-admissible, however, the Washington Supreme court held that severance is
3 not required. State v. Kalakosky, 121 Wn.2d 525, 852 P.2d 104 (1993); Bythrow, 114 Wn.2d
4 713, 720, 790 P.2d 154 (1990). The defendant must be able to point to "specific prejudice"
5 resulting from the joint trial. Bythrow, at 720; State v. Estabrook, 58 Wn.App. 805, 814, review
6 denied, 115 Wn.2d 1027 (199).

7 The evidence of each crime in this case is cross-admissible to prove identity, and as
8 circumstantial evidence of the crime charged. ER 404(b) provides:

9 **Other Crimes, Wrongs, or Acts.** Evidence of other crimes, wrongs, or acts is not
10 admissible to prove the character of a person in order to show action in conformity
11 therewith. It may, however, be admissible for other purposes, such as proof of motive,
12 opportunity, intent, preparation, plan, knowledge, identify, or absence of mistake or
13 accident.

14 ER 404(b). And evidence of other bad acts or prior misconduct may be admissible if it is relevant
15 for some purpose other than to show that the defendant is a generally dangerous person or a
16 'criminal type' who is likely to have committed the crime charged. Karl B. Tegland,
17 Washington Practice: Evidence, at 236 (2008-2009 ed). Rule 404(b) itself lists some of the
18 purposes for which evidence of misconduct is admissible, but the list is not exhaustive. The
19 Washington cases suggest many additional possibilities. Tegland, Washington Practice
20 Evidence, at 236.

21 In State v. Russell, 125 Wb.2d 24, 882 P.2d 747 (1994), the defendant was charged with
22 three counts of first-degree murder. The State sought to introduce evidence that the police had
23 found in the defendant's home unused condoms, a police scanner and a police handbook on
24 crime scene investigation. The Washington Supreme Court found that the trial court properly
25 allowed the evidence when it determined that the condoms explained why semen was found in

1 the body of one victim but not the other two victim, that the scanner showed that the defendant
2 could have used a scanner to acquire certain police information, which the defendant claimed he
3 acquired while working for the police, and that the police handbook showed that the defendant
4 had knowledge of certain techniques that were apparently used by the murderer - wearing gloves
5 to avoid leaving fingerprints, wiping down the scene to remove clues, and taking care to avoid
6 leaving semen at the scene.

7 In State v. Platz, 33 wn.App. 345, 655 P.2d 710 (1982), a prosecution for murder,
8 testimony that the defendant "usually carried a knife and never left the house without it" was
9 relevant to the issue of whether the defendant could have inflicted the victim's stab wounds.

10 Here, the identity of the robber is at issue. The State must prove that the robber was in
11 fact Robert Wilson. During the robbery, the robber displayed a large silver handgun. The robber
12 fled and the gun was never recovered. However, on November 18th when the defendant was
13 pulled over, police observed a large silver handgun on the passenger floorboard. Although the
14 defendant fled with the gun, the defendant had left his Washington drivers license behind. Since
15 the defendant, Robert Wilson, was in possession of a large silver handgun only a month before
16 the robbery incident, the November 18th incident is cross admissible to prove that the robber is in
17 fact Robert Wilson.

18 Further, the coffee stand robber was wearing black gloves during the robbery. Black
19 gloves were found in the vehicle the defendant was driving on November 18th. This is another
20 piece of evidence that links Robert Wilson to the robbery on December 15th, and hence, the
21 recovery of the gloves is cross admissible. Lastly, on November 18th, police found three .45
22 caliber bullets. On the robbery charge, the State has to prove that the firearm was operable in
23 order to convict the defendant of being a felon in possession of a firearm. The fact that there
24
25

1 were real bullets found in the vehicle where the large silver handgun was observed is relevant to
2 the issue of operability and is therefore cross admissible.

3 Likewise, to prove that the defendant was in possession of a firearm on November 18th,
4 the State would have to prove that the gun that was not recovered was operable. In order to
5 prove this element, the State would be introducing the video of the robbery on December 15th to
6 show that the handgun was capable of being "cocked". Hence, the video of the robbery would
7 be cross admissible to show that the gun was operable on November 18th.

8 Moreover, the January elude occurred while the police were attempting to arrest the
9 defendant for the December robbery. The fact of the elude is admissible not only to show guilty
10 conscience on the part of the defendant, it is also admissible on the theory of "res gestae." The
11 elude is so connected in time, place, circumstance that proof of the elude is necessary for a
12 complete description of the crime charged, or constitute proof of the history of the crime
13 charged. State v. Tharp, 96 Wn.2d 591, 637 P.2d 961 (9181).
14

15 As stated in Tharp, "a defendant cannot insulate himself by committing a string of
16 connected offenses and then argue that the evidence of the other uncharged crime is inadmissible
17 because it shows the defendant's bad character, thus forcing the State to present as fragmented
18 version of the events." "Where another offense constitutes a link in the chain of an unbroken
19 sequence of events surrounding the charged offense, evidence of that offense is admissible in
20 order that a complete picture be depicted for the jury." State v. Hughes, 118 Wn.App. 713, 77
21 P.3d 681 (2003).

22 Lastly, the elude on the 2nd of January would be cross admissible to show that the
23 defendant, after being apprehended, was wearing the same pair of pants he wore during the
24 robbery. And the recovery of the gun holster and a handgrip for a handgun would be cross
25

1 admissible to prove that the gun the robber displayed on December 15th was a real gun and not a
2 toy gun.

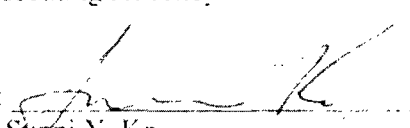
3 Even if the charges are not joined and the State was forced to try the defendant
4 separately, the evidence recovered during the November elude and the January elude would be
5 cross admissible to prove the identity of the robber on December 15th. This would be an extreme
6 waste of judicial resource, since three juries would have to be selected; three judges and three
7 courtroom would have be utilized and witnesses would have to come three times, as opposed to
8 testifying just once. To not join would defy common sense.

9 CONCLUSION

10 Logic, reason, practicality, case law and the rule of evidence dictate that the three
11 incidents be joined for trial. The State respectfully requests this court to rule as such.

12
13 RESPECTFULLY SUBMITTED this 4th day of March, 2009.

14 GERALD A. HORNE
15 Prosecuting Attorney

16
17 By: 
18 Sumi Y. Ko
19 Deputy Prosecuting Attorney
20 WSB # _____

21 sko

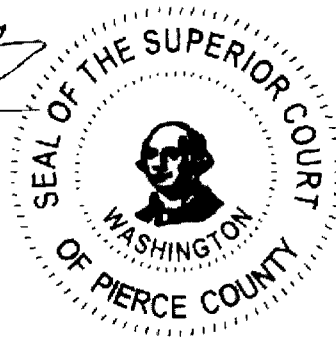
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



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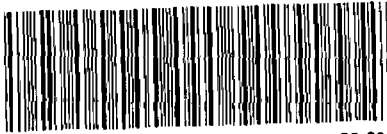
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Appendix G
Criminal Case Reassignment
Filed 05-28-09

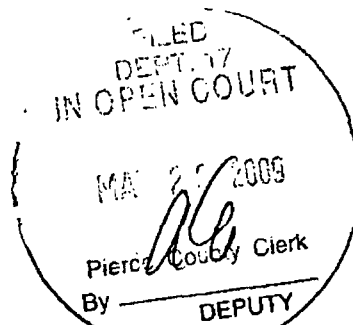
Case Number: 09-1-00181-4 Date: December 9, 2013

SerialID: D8966F89-F20F-6452-DF35BA6D7266EAEF

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 32147876 AST DS-29-09



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON

Plaintiff

-vs-

ROBERT SHERMAN WILSON

Defendant

No. 09-1-00181-4

Criminal Case Reassignment

[] For Trial [X] For Motion Only

Plaintiff's Attorney

SUNNI Y. KO

Defendant's Attorney

VERA D. JEAN

This matter has been assigned to Department 17, Judge Culpepper, in
 courtroom all on the 28 day of May, 2009 at 9:05 AM/PM.

ALL PARTIES WILL REPORT IMMEDIATELY TO THIS COURTROOM.

Counsel have represented as follows: 1 Hour

1. This trial is estimated to take _____ trial days.
2. Time estimated for pretrial motions is: [] less than 1 hour [] more than 1 hour w/[] oral testimony.

Remarks: _____

3. [] State witnesses have been notified and are available to testify.
4. [] Defense witness list has been provided to the State.
5. [] All witness interviews have been completed.
6. [] Counsel does/does not anticipate scheduling problems.

Remarks: _____

Sara P. Fleck

Calendar Coordinator

This case is returned to CDPJ for reassignment for the following reason:

Dated this: _____ day of _____, 20____, at _____ AM/PM.

Judicial Assistant/Judge

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/JANINE CAVALIER, Deputy

Dated: Dec 9, 2013 10:19 AM



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Appendix H
Memorandum of Journal Entry
Filed 05-28-09

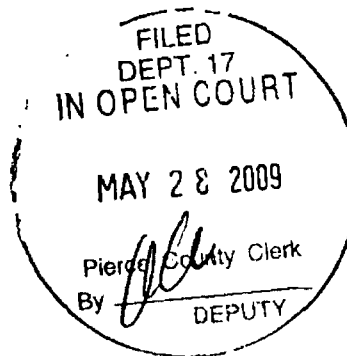
Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C3822F3B-110A-9BE2-A985CF77CF6AAF8B

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 32147867 CME 05-29-09

**IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON**

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

MEMORANDUM OF JOURNAL ENTRY

vs.

Page 1 of 2

WILSON, ROBERT SHERMAN

Judge: RONALD E. CULPEPPER

Court Reporter: KARLA JOHNSON

Judicial Assistant/Clerk: ANGELA EDWARDS

SUNNI Y. KO

Prosecutor

VERA D. JEAN

Defense Attorney

Proceeding Set: MOTION (NOT CONTINUANCE)

Proceeding Date: 05/28/09 8:30

Proceeding Outcome: HELD

Resolution:

Clerk's Code:

Proceeding Outcome code: MTHRG

Resolution Outcome code:

Amended Resolution code:

Case Number: 09-1-00181-4 Date: December 5, 2013
SerialID: C3822F3B-110A-9BE2-A985CF77CF6AAF8B
Certified By: Kevin Stock Pierce County Clerk, Washington

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

MEMORANDUM OF JOURNAL ENTRY

vs.

WILSON, ROBERT SHERMAN

Page: 2 of 2

Judge:

RONALD E. CULPEPPER

MINUTES OF PROCEEDING

Judicial Assistant/Clerk: ANGELA EDWARDS

Court Reporter: KARLA JOHNSON

Start Date/Time: 05/28/09 10:28 AM

May 28, 2009 10:27 AM DPA Sunni Ko present on behalf of state. DAC Atty Vera Jean present with/for in custody defendant. Motion to join and consolidate argument proceeds by DPA Ko. 10:39 AM Response argument by DAC Jean.

10:552AM Court decision: Court not deciding what is admissible for trial; leaving that for trial judge. **Court grants motion to join/consolidate (with 08-1-05561-4 and 09-1-00027-3) with leave to allow defense to move for severance at time of trial if necessary.**

10:56 AM State advises that she would like to present an amended information. Re-arraignment proceeds. Court finds probable cause. Order re motion will be presented.

End Date/Time: 05/28/09 11:01 AM

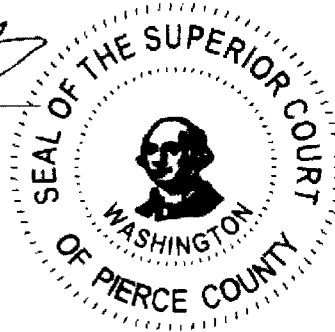
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



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<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: C3822F3B-110A-9BE2-A985CF77CF6AAF8B**.

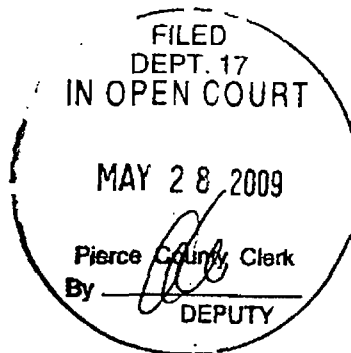
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Appendix I
Order Joining Cause Numbers
Filed 05-28-09

Case Number: 09-1-00181-4 Date: December 9, 2013

SerialID: D932E223-110A-9BE2-A926FAD5F5F83DBC

Certified By: Kevin Stock Pierce County Clerk, Washington



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00181-4

09-1-00027-3

08-1-05561-4

vs.

ROBERT WILSON,

Defendant.

ORDER JOINING CAUSE NUMBERS
09-1-00181-4, 09-1-00027-3 & 08-1-
05561-4 AND CONSOLIDATING
THREE CAUSE NUMBERS UNDER
CAUSE #09-1-00181-4

HAVING heard from the parties, it is hereby ordered that cause numbers 09-1-00181-4, 09-1-00027-3 & 08-1-05561-4 be joined and consolidated under one cause number 09-1-00181-4. Hereinafter, all motions and orders for the three cause numbers shall be filed under cause number 09-1-00181-4. For purposes of appellate review should there be an appeal, clerk's papers may be designated from any of the cause numbers.

DONE IN OPEN COURT this 28 day of May, 2009.

[Signature]
JUDGE

RONALD CULPEPPER

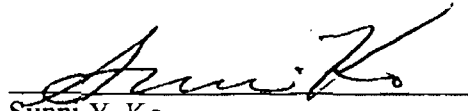
07 L

Case Number: 09-1-00181-4 Date: December 9, 2013

SerialID: D932E223-110A-9BE2-A926FAD5F5F83DBC

Certified By: Kevin Stock Pierce County Clerk, Washington

Presented by:

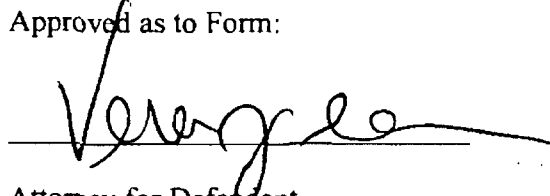


Sunni Y. Ko

Deputy Prosecuting Attorney

WSB#

Approved as to Form:



Attorney for Defendant

WSB# 

sko

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Chris Sprinker, Deputy.

Dated: Dec 9, 2013 1:07 PM



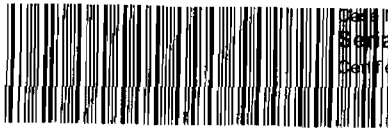
Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: D932E223-110A-9BE2-A926FAD5F5F83DBC**.

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Appendix J
Amended Information
Filed 05-28-09



Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C3806B63-F20F-6452-DEE8E5DBB1891C56

Certified By: Kevin Stock Pierce County Clerk, Washington

09-1-00181-4 32147836 AMINF 05-29-09

FILED
DEPT. 17
IN OPEN COURT

MAY 28 2009

Pierce County Clerk
By *[Signature]*
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00181-4

vs.

ROBERT SHERMAN WILSON,

AMENDED INFORMATION

Defendant.

DOB: 5/16/1984

SEX : MALE

RACE: WHITE

PCN#: 539668391

SID#: UNKNOWN

DOL#: WA WILSORS166KW

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of ROBBERY IN THE FIRST DEGREE, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 15th day of December, 2008, did unlawfully and feloniously take personal property belonging to another with intent to steal from the person or in the presence of an employee of Java-2-Go, or, the owner thereof or a person having dominion and control over said property, against such person's will by use or threatened use of immediate force, violence, or fear of injury to an employee, said force or fear being used to obtain or retain possession of the property or to overcome resistance to the taking, and in the commission thereof, or in immediate flight therefrom, the defendant displayed what appeared to be a firearm or other deadly weapon, to-wit: *a handgun*, contrary to RCW 9A.56.190 and 9A.56.200(1)(a)(ii), and in the commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: , that being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

[Stamp] ORIGINAL

AMENDED INFORMATION- 1

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

COUNT II

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 15th day of December, 2008, did unlawfully, feloniously, and knowingly own, have in his possession, or under his control a firearm, a handgun, he having been previously convicted in the State of Washington or elsewhere of a serious offense, as defined in RCW 9A.1.010(12), contrary to RCW 9A.1.040(1)(a), and against the peace and dignity of the State of Washington.

DATED this 5th day of March, 2009.

PIERCE COUNTY SHERIFF
WA02700

GERALD A. HORNE
Pierce County Prosecuting Attorney

sko

By:


SUNNI Y. KO

Deputy Prosecuting Attorney
WSB#: 20425

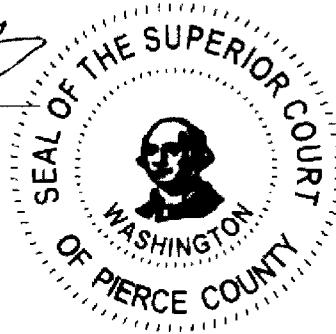
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: C3806B63-F20F-6452-DEE8E5DBB1891C56**.

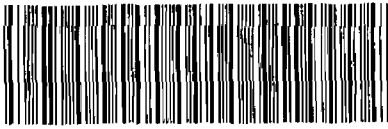
This document contains 2 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix K
Memorandum of Journal Entry
Filed 11-13-09

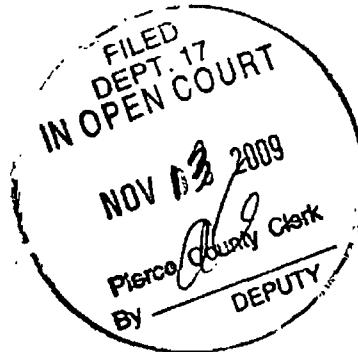
Case Number: 09-1-00181-4 Date: December 9, 2013

SerialID: D8983A28-110A-9BE2-A90B7FD658E9310B

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33208999 CME 11-17-09

**IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON**

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

vs.

MEMORANDUM OF JOURNAL ENTRY

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WILSON, ROBERT SHERMAN

Judge: RONALD E. CULPEPPER

Court Reporter: KARLA JOHNSON

Judicial Assistant/Clerk: ANGELA EDWARDS

SUNNI Y. KO

Prosecutor

PAUL JOSEPH LANDRY

Defense Attorney

Proceeding Set: JURY TRIAL

Proceeding Date: 11/02/09 8:30

Proceeding Outcome: HELD

Resolution: Convict JV After Trial

Clerk's Code:Proceeding Outcome code: **JTRIAL**Resolution Outcome code: **CVJV**

Amended Resolution code:

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

**MEMORANDUM OF
JOURNAL ENTRY**

vs.

WILSON, ROBERT SHERMAN

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Judge:
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

Judicial Assistant/Clerk: ANGELA EDWARDS

Court Reporter: KARLA JOHNSON

Start Date/Time: 11/02/09 2:07 PM

November 02, 2009 02:07 PM DPA Sunny Ko present on behalf of state. Atty Paul Landry present with/for incustody defendant.

02:11 PM State presents second amended information. Deft arraigned; not guilty plea entered. 02:12 PM Defense moves moves to continue; telephone records. 02:18 PM State responds. 02:22 PM Court denies defense motion to continue. Court will give defense time to review phone records prior to opening statements. 02:24 PM State motion in limine. Court reserves ruling on the one state motion. Scheduling addressed. Alternate jurors will be seated jurors #13 and #14. 02:31 PM Court takes a break to await jurors.

End Date/Time: 11/02/09 2:31 PM

Judicial Assistant/Clerk: ANGELA EDWARDS

Court Reporter: KARLA JOHNSON

Start Date/Time: 11/02/09 3:00 PM

November 02, 2009 03:00 PM 35 potential jurors escorted into courtroom for voir dire. 03:02 PM Initial oath given. 03:09 PM Court voir dire. 03:30 PM Juror individual bios. **03:49 PM STATE VOIR DIRE by DPA Ko.** 04:03 PM State challenge for cause - juror #21. No defense obj. 04:04 PM State inquiry of juror #21. Court excuses juror #21 for cause. Juror #21 thanked and excused; directed to return to jury admin. **04:05 PM DEFENSE VOIR DIRE by Atty Paul Landry.**

04:12 PM Defense moves to excuse juror #12 for cause. No state objection. Court thanks and excuses juror #12; directs back to jury admin. 04:19 PM After side-bar, Juror #21 excused for scheduling conflict. Thanked and excused; directed to return to jury admin. 04:21 PM Balance of jurors released for the evening; directed to report to jury admin by 9am tomorrow morning. 04:22 PM The jurors that indicated private inquiry (jurors 25, 29 and 32) will be brought up first tomorrow.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

**MEMORANDUM OF
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Judge:
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

End Date/Time: 11/02/09 4:22 PM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/03/09 9:16 AM

Court Reporter: KARLA JOHNSON

November 03, 2009 09:16 AM All parties present. Court reconvenes. Jurors #25, 29 and 32 brought up for private questioning at their request. 09:33 AM State challenge for cause re juror #29. Defense obj; Court denies state challenge for cause re juror #29. No challenges for cause re jurors #25 or #32. Jury admin advises that juror #22 is ill and will *not be appearing; No objection by state/defense to excuse. Court excuses juror #22 from this case* due to illness. Call to jury admin to send up jurors for continued voir dire.

End Date/Time: 11/03/09 9:35 AM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/03/09 9:48 AM

Court Reporter: KARLA JOHNSON

November 03, 2009 09:47 AM Court reconvenes. All remaining jurors present and seated for continued voir dire. **STATE second round voir dire by DPA Ko. 10:09 AM** **DEFENSE second round voir dire by Atty Landry.** 10:33 AM Defense challenge for cause re juror #5. No state objection. Court excuses juror #5 for cause. 10:36 AM Defense moves to excuse juror #14 for cause. Court inquiry of juror #14. No state objection. Court excuses juror #14 for cause.

10:38 AM State 3rd round voir dire. 10:44 AM Defense 3rd round voir dire.

10:47 AM Peremptory challenges at counsel table. 11:12 AM Jurors thanked and jurors impaneled as follows: 4,8,10,11,13,15,16,28,19,23,26,27,28 and 29. The rest thanked and excused to return to jury admin. **11:17 AM 14 jurors sworn.** Jurors given preliminary instructions. Jurors and court released for lunch break. Court to reconvene at 1:30 p.m.

End Date/Time: 11/03/09 11:37 AM

JUDGE RONALD E. CULPEPPER Year 2009

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

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Judge:
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/03/09 1:40 PM

Court Reporter: KARLA JOHNSON

November 03, 2009 01:39 PM All parties present. Court reconvenes. Atty Landry addresses court re phone records he did receive but cannot interpret/translate the data; will be contacting a local Verizon records custodian and is requesting a 2:30 - 3:00 pm adjournment to research. No state objection but state will then need time to call off witnesses scheduled for later today. 01:47 PM State needs account holders information. 01:47 PM State addresses two people sitting in gallery; one is defendant's sister, one is defendant's current wife; potential state impeachment witnesses and asking that they be excluded from the courtroom. 01:51 PM Court grants state motion and asks that they step out into the hallway. 01:52 PM State moves to exclude defense from offering defendant's statement (s) to detective (self serving hearsay statements). Defense responds and would be offering. 01:52 PM Court grants state motion at this time and will address if door is opened.

01:57 PM After brief break, state advises that her 3:30 witness (officer) may not be available for the rest of the week, so she may not be able to close as previously advised.

01:59 PM Jurors escorted into the courtroom and seated. **STATE OPENING STATEMENT BY DPA SUNNI KO.**

02:24 PM DEFENSE OPENING STATEMENT BY ATTY PAUL LANDRY.

02:32 PM ST WIT Scott Engle - City of Puyallup Police Officer, sworn/testified under direct examination by DPA Ko. 02:43 PM State requests witness draw a diagram of stop location; marked as ST EXH #62.

02:52 PM Witness presented with ST EXH #54 (wash temporary driver's license in plastic baggie) for i.d.. State offers; no defense objection. **Court admits ST EXH #54.**

02:54 PM Witness presented with ST EXH #53 (prescription pill bottle containing green capsules in plastic baggie) for i.d. State offers. No defense objection. **Court admits ST EXH #53.** 02:59 PM Witness presented with ST EXH #61 (1.1 grams meth in plastic

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

vs.

WILSON, ROBERT SHERMAN

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MINUTES OF PROCEEDING

baggie) for i.d. 03:00 PM Witness i.d.'s defendant in courtroom for the record. **03:01 PM Cross examination by Atty Landry.** 03:10 PM Witness presented with DEF EXH #63 (crimestoppers bulletin) for i.d. **03:11 PM Re-direct by state.** 03:15 PM Sidebar at request of court to discuss scheduling. 03:16 PM Jurors released for the day; scheduling conflict. Jurors given cautionary instruction by the court. Directed to return by 9:15 tomorrow morning. Court to reconvene by 9:30 a.m.

End Date/Time: 11/03/09 3:30 PM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/04/09 9:34 AM

Court Reporter: KARLA JOHNSON

November 04, 2009 09:34 AM All parties present. All jurors present and seated. **ST WIT Anthony Filing, PCS Officer, sworn/testified under direct examination by DPA Ko.** 09:44 AM Witness presented with ST EXH #30 (ammunition in plastic bag) for i.d. 09:48 AM Witness presented with ST EXH's #3 - #8 (photos) for i.d.; State offers. No defense objection. **Court admits ST EXH #'s 3-8.** 09:58 AM Witness asked to draw diagram, marked as ST EXH #64. 10:10 AM Witness i.d.'s defendant in courtroom for the record. 10:11 AM 10:11 AM Witness presented with ST EXH #50 (paper bag containing item) and ST EXH #50A (pants from exh #50) for i.d. State offers both. No defense objection. **Court admits ST EXH #50 and #50A.** 10:15 AM Witness presented with ST EXH's #9 and #10 (photos) for i.d. State offers. No defense objection. **Court admits ST EXH #9 and #10.** Witness presented with ST EXH's #11- #14 (photos) for i.d. State offers. No defense obj. **Court admits ST EXH's #11 - #14.** Witness presented with ST EXH's #1 and #2 (photos) for i.d.. State offers. No defense objection. **Court admits ST EXH's #1 and #2.**

10:18AM Witness presented with ST EXH #34 (WASIC/DOL printout re 1994 Nissan Pick-up; status - stolen) for i.d. 10:25 AM Witness presented with ST EXH #44 (plastic baggie containing several keys/key rings) for i.d.. State offers. No defense objection. **Court**

JUDGE RONALD E. CULPEPPER Year 2009

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

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admits ST EXH #44. 10:27 AM Witness i.d.'s several ST EXH's (38, 51, 51A, 42, 39, 47, 37, 36, 46, 43, 45, 45A, 48, 48A, 49, 49A, 41, 41A, 41B, 40 and 40A); State offers. Def obj's to ST EXH #41A (am/pm vhs tape). State withdraws her offer of admittance of 41A. No defense objection to all others. (includes ST EXH #34). **Court admits.** ST EXH #'s 20-33 (photos) offered. No defense objection. **Court admits ST EXH's #20-33.**
10:49 AM Court takes a morning break. (not on record) by stip of counsel - the envelope marked ST EXH #41 will not be admitted).

End Date/Time: 11/04/09 10:49 AM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/04/09 11:06 AM

Court Reporter: KARLA JOHNSON

November 04, 2009 11:05 AM Court reconvenes. Jurors reseated in jury box. Direct exam continues. 11:07 AM ST Exh's 8,7,5, 10, 9, 1,2,14,11,13,12,20,21-33, 40A published on ELMO. **11:16 AM Cross examination by Atty Landry.** DEF EXH #63A marked (color copy of Crime Stopper's Bulletin) **11:45 AM Re-direct by state.** **11:46 AM Re-cross by defense.** 11:47 AM Follow-up by state. 11:48 AM Side bar at state's request. **11:49 AM ST WIT Rebecca Brewer, Forensic Scientist WSP Crime Lab, sworn/testified under direct examination by DPA Ko.** 11:53 AM Witness presented with ST EXH #61 (plastic baggie containing 1.1 grams meth) for i.d. 11:56 No cross examination. AM **11:56 AM ST WIT Mark Ketter, City of Puyallup Police Officer, sworn/testified under direct examination by DPA Ko.** 11:59 AM Witness presented with ST EXH #58 (cell phone) for i.d. , also 55, 56, 57 AND 59. State offers. No defense objection. **Court admits ST EXH's #55-#59.**
12:04 PM Cross examination by Atty Landry. 12:09 PM Re-direct by state. ST EXH #60 (plastic baggie containing 3 bullets) presented to witness for i.d.
12:09 PM Jurors/court released for lunch break; to return by 1:20 pm.
(off record - defense request to take ST EXH # 41A (vhs tape/not admitted) to view during
JUDGE RONALD E. CULPEPPER Year 2009

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

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WILSON, ROBERT SHERMAN

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Judge:
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

lunch break; no obj by state or court)

End Date/Time: 11/04/09 12:15 PM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/04/09 1:35 PM

Court Reporter: KARLA JOHNSON

November 04, 2009 01:34 PM All parties present. State moves to admit ST EXH #60 and #61 (bullets and 1.1 grams of meth). No defense obj. **Court admits ST EXH #60 and #61.** State also advises that she accidentally had her copy of surveillance dvd marked (original is marked and admitted). Asks permission to use parts in her power point presentation. No defense obj. Granted. To clarify, previously ST EXH #45 and #45A were admitted (envelope and 3 baggies of different contents); the 3 baggies will be marked separately as #45A, 45B and 45C (all previously admitted). No defense obj.

01:42 PM Jurors present and reseated in courtroom. **ST WIT Alicia Chandler, barista of JAVA 2 GO, sworn/testified under direct examination by DPA Ko.** 01:44 PM Witness presented with ST EXH #40A (montage, previously admitted) for i.d. and referral. 01:45 PM Witness i.d.'s defendant in the courtroom for the record. 01:46 PM State requests permission to publish ST EXH #41B (surveillance video/dvd, previously admitted) on ELMO - granted. 01:52 PM Atty Landry requests the speed that the first part of the video was shown in; state responds it was played at .5/1/2 time speed. **Cross examination by defense.**

02:01 PM STIPULATION PRESENTED BY PARTIES; COURT READS TO JURY.

02:01 PM State moves to admit ST EXH #62 and #64 for illustrative purposes only; no defense obj. **Court admits ST EXH #62 and #62 for illustrative purposes only. STATE RESTS.**

02:03 PM Court releases jurors for the day due to lack of witnesses for the remainder of the day. Jurors directed to return tomorrow by 8:50 a.m; given cautionary instruction re not driving by location.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

**MEMORANDUM OF
JOURNAL ENTRY**

vs.

WILSON, ROBERT SHERMAN

Page: 8 of 12

Judge:
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

End Date/Time: 11/04/09 2:08 PM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/05/09 9:08 AM

Court Reporter: KARLA JOHNSON

November 05, 2009 09:07 AM All parties present. Defense offers DEF EXH #63A (color copy of Crime Stopper's bulletin); no state objection. **Court admits DEF EXH #63A.** DEF EXH #'s 65 (copy of bench warrant dated 11/21/08), #66 and #67 (still photos of suspect) marked and offered by defense. No state objection. **Court admits DEF EXH #'s 65, 66 and 67.** 09:10 AM Defense motion to dismiss count 6 (poss of firearm); sufficiency of evidence motion. 09:13 AM State response argument. **09:17 AM Court denies defense motion.**

End Date/Time: 11/05/09 10:23 AM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/05/09 2:04 PM

Court Reporter: KARLA JOHNSON

November 05, 2009 02:02 PM All counsel and defendant present. Review of jury instructions. No substantive objections with packet as presented so far. Final packet to be presented on Thursday, 11/12/09 (next trial day). Court explains to defendant as to what jury instructions are. Court is adjourned for the day.

End Date/Time: 11/05/09 2:07 PM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/12/09 9:14 AM

Court Reporter: KARLA JOHNSON

November 12, 2009 09:14AM Court reconvenes. All parties present. Defense advises what witness will be called re the Verizon phone records; requests telephonic testimony.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

vs.

WILSON, ROBERT SHERMAN

Cause Number: 09-1-00181-4
**MEMORANDUM OF
JOURNAL ENTRY**

Page: 9 of 12
Judge:
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

State objects to telephonic testimony. 09:23 AM Defense agrees to stip that the cell phone number in question (Exhibit 42) that the deft was not the account holder. 09:23 AM Defense makes record that he has asked, repeatedly, for extension to get all the foundational requirements to secure, in person, the Verizon records holder and been denied. Argument.

09:29 AM Defense addresses ST EXH #42 (cell phone) and asks that the cell phone be turned on and jurors allowed to hear who was using. 09:30 AM State objects. 09:31 AM Court denies defense motion. 09:38 AM Court denies request to have cell phone powered up, after further argument. 09:38 AM State addresses proposed defense exhibits; has no objection (court marks as DEF EXH's #69 - #76). 09:46 AM State requests to see defense CD. Granted.

09:56 AM After brief break, court reconvenes. All jurors present and seated in courtroom. **DEF WIT Scott Engle, Police Officer City of Puyallup, sworn/testified under direct examination by Atty Landry.** DEF EXH #77 (incident report) marked and i.d.'d by witness for referral. 10:06 AM Cross examination by state. 10:06 AM ST EXH #60 (bullets - previously admitted) presented to witness for i.d./referral. **10:07 AM ST REBUTTAL WIT Anthony Filing, PCS, sworn/testified under direct examination by state.** 10:08 AM ST EXH #63A (crimestopper's bulletin - prev adm) presented to witness for referral. 10:12 AM Cross examination by Atty Landry. 10:14 AM Re-direct by state. 10:17 AM Re-cross by Atty Landry. 10:21 AM Follow up by both attorneys.

End Date/Time: 11/12/09 10:30 AM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/12/09 10:38 AM

Court Reporter: KARLA JOHNSON

November 12, 2009 10:38 AM Court reconvenes. Jurors seated. **DEF WIT Fuad Dadabhoy, Verizon Executive Relations Coordinator, sworn/testified PRESENT TELEPHONICALLY, by Atty Landry.** 10:42 AM Defense offers DEF EXH #71 (aerial

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

vs.

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Page: 10 of 12
Judge:
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

google map) , no state obj. Court admits DEF EXH #71. Defense offers DEF EXH #72;no state obj. Court admits DEF EXH #72.

10:46 AM Defense offers DEF EXH's #70 and #73. No state obj. Court admits DEF EXH's #70 and #73. 10:48 AM Defense offers DEF EXH's #74 and #75. No state obj. Court admits DEF EXH's #74 and #75. 10:51 AM Defense offers DEF EXH's #69 and #76. No state obj. Court admits DEF EXH's #69 and #76. (Def exhibit #'s 69 - 76 are google aerial maps).

10:59 AM Defense offers Def Exh 78 (cd of Verizon calls) and 78A (hard copy print out of def exh #78/ over 500 pages). No state obj. Court admits DEF EXH #78 and #78A. 11:00 AM Cross examination by state. 11:17 AM Re-direct by Atty Landry. 11:18 AM After side bar, DEFENSE RESTS. Stipulation read to jurors re cell phone. Jurors released for lunchbreak to allow court/attorneys to review jury instruction. 11:25 AM Jury instruction review. 11:33 AM Agreed upon set determined. Discussion as procedure if jurors want to watch surveillance video. Defense requests it be shown in real time. Court will leave that up to jurors.

End Date/Time: 11/12/09 11:42 AM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/12/09 1:38 PM

Court Reporter: KARLA JOHNSON

November 12, 2009 01:37 PM Court reconvenes. Jurors present and seated. Jury instructions read by court. 02:02 PM STATE CLOSING ARGUMENTS BY DPA SUNNI KO. 02:47 PM Court takes a break prior to defense closing.

End Date/Time: 11/12/09 2:47 PM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/12/09 2:57 PM

Court Reporter: KARLA JOHNSON

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

**MEMORANDUM OF
JOURNAL ENTRY**

vs.

WILSON, ROBERT SHERMAN

Page: 11 of 12

Judge:
RONALD E. CULPEPPER

MINUTES OF PROCEEDING

November 12, 2009 02:57 PM Court reconvenes. Jurors seated. **DEFENSE CLOSING ARGUMENTS BY ATTY PAUL LANDRY.** **04:03 PM** State rebuttal argument. **04:30 PM** Alternate jurors identified; seated jurors #13 and #14. Thanked and excused. Jurors decide to return tomorrow to commence deliberations; 9am.

End Date/Time: 11/12/09 4:40 PM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/13/09 9:11 AM

Court Reporter: KARLA JOHNSON

November 13, 2009 09:11 AM All jurors present. Deliberation instructions given by JA; deliberations commence. 10:16 AM Jurors take a break; deliberations cease. 10:25 AM All jurors return; deliberations continue.

11:48 AM Jurors present JA with a question/statement - "Can we see a re-run of robbery video?" Jurors take a 30 minute lunch break; deliberations cease. Attorneys notified of juror question. 12:01 PM Atty Landry obj's to DPA Ko setting up video. DPA calls her staff to set up; Atty Landry advised. Court awaits staff of pros office to arrive to set up laptop for video. 12:23PM Jurors escorted into locked courtroom to view surveillance video (ST EXH #41B). 01:07 PM Jurors back to jury room to continue deliberation. 01:25 PM Jurors present with a question. Attorneys contacted telephonically/phone conference. Counsel stipulate to provide 2 clean verdict forms and mark "mistake" and date forms that mistakes were made on. 01:48 PM Jurors advised of reached verdicts; directed to take a 20 minute break. Attorneys advised.

End Date/Time: 11/13/09 1:48 PM

Judicial Assistant/Clerk: ANGELA EDWARDS
Start Date/Time: 11/13/09 2:38 PM

Court Reporter: KARLA JOHNSON

November 13, 2009 02:38 PM Court reconvenes. All parties present. Discussion re
JUDGE RONALD E. CULPEPPER Year 2009

Case Number: 09-1-00181-4 Date: December 9, 2013

SerialID: D8983A28-110A-9BE2-A90B7FD658E9310B

Certified By: Kevin Stock Pierce County Clerk, Washington

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 09-1-00181-4

MEMORANDUM OF JOURNAL ENTRY

vs.

WILSON, ROBERT SHERMAN

Page: 12 of 12

Judge:

RONALD E. CULPEPPER

MINUTES OF PROCEEDING

question from jurors earlier and remedy as discussed telephonically with counsel.

02:42 PM Jurors present and seated in courtroom. Presiding juror, seated juror #7 identified and hands verdicts in envelope to JA who presents to Judge. Verdict form 1 - guilty, 2 - guilty, 3 - guilty, 4 - guilty, 5 - guilty, 6 - guilty, 7 - guilty, 8 - guilty, Special Verdict Form - Yes. 02:44 PM Jurors polled individually - all unanimous. Jurors thanked and excused. Deft held w/o bail. Sentencing - 12/10/09 at 8:45 a.m.

End Date/Time: 11/13/09 2:53 PM

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/JANINE CAVALIER, Deputy:

Dated: Dec 9, 2013 10:19 AM



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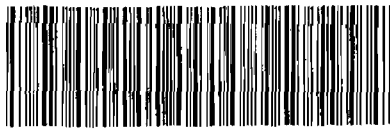
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enter **SerialID: D8983A28-110A-9BE2-A90B7FD658E9310B**.

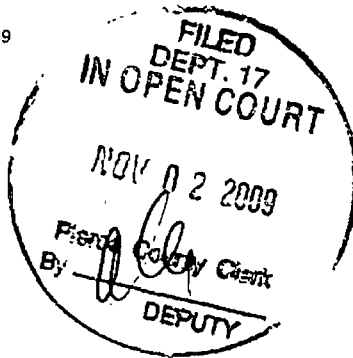
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Appendix L
Second Amended Information
Filed 11-02-09

Case Number: 09-1-00181-4 Date: December 9, 2013
 SerialID: D8967035-F20F-6452-DCCC58FA25A21919
 Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33208755 AMINF2 11-17-09



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00181-4

vs.

ROBERT SHERMAN WILSON,

SECOND AMENDED INFORMATION

Defendant.

DOB: 5/16/1984
 PCN#: 539668391

SEX : MALE
 SID#: UNKNOWN

RACE: WHITE
 DOL#: WA WILSORS166KW

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of ROBBERY IN THE FIRST DEGREE, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 15th day of December, 2008, did unlawfully and feloniously take personal property belonging to another with intent to steal from the person or in the presence of an employee of Java-2-Go, the owner thereof or a person having dominion and control over said property, against such person's will by use or threatened use of immediate force, violence, or fear of injury to A. Chandler, an employee, said force or fear being used to obtain or retain possession of the property or to overcome resistance to the taking, and in the commission thereof, or in immediate flight therefrom, the defendant displayed what appeared to be a firearm or other deadly weapon, to-wit: a handgun, contrary to RCW 9A.56.190 and 9A.56.200(1)(a)(ii), and in the commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a handgun, that being a firearm as defined in RCW 9A.1010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

ORIGINAL

SECOND AMENDED INFORMATION- 1

Office of the Prosecuting Attorney
 930 Tacoma Avenue South, Room 946
 Tacoma, WA 98402-2171
 Main Office (253) 798-7400

COUNT II

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 15th day of December, 2008, did unlawfully, feloniously, and knowingly own, have in his possession, or under his control a firearm, a handgun, he having been previously convicted in the State of Washington or elsewhere of a serious offense, as defined in RCW 9A.10.010(12), contrary to RCW 9A.10.040(1)(a), and against the peace and dignity of the State of Washington.

COUNT III

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of UNLAWFUL POSSESSION OF A STOLEN VEHICLE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 2nd day of January, 2009, did unlawfully and feloniously knowingly possess a stolen motor vehicle, knowing that it had been stolen, contrary to RCW 9A.56.068 and 9A.56.140, and against the peace and dignity of the State of Washington.

COUNT IV

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 2nd day of January, 2009, did unlawfully, feloniously, and wilfully fail or refuse to immediately bring his vehicle to a stop and drive his vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after

SECOND AMENDED INFORMATION- 2

being given a visual or audible signal to bring his vehicle to a stop by a uniformed officer in a vehicle equipped with lights and sirens, contrary to RCW 46.61.024(1), and against the peace and dignity of the State of Washington.

COUNT V

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of *ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE*, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 18th day of November, 2008, did unlawfully, feloniously, and wilfully fail or refuse to immediately bring his vehicle to a stop and drive his vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring his vehicle to a stop by a uniformed officer in a vehicle equipped with lights and sirens, contrary to RCW 46.61.024(1), and against the peace and dignity of the State of Washington.

COUNT VI

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of *UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE*, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 18th day of November, 2008, did unlawfully, feloniously, and knowingly own, have in his possession, or under his control a firearm, a handgun, he having been previously convicted in the State of Washington or elsewhere of a serious offense, as defined in RCW 9.41.010(12), contrary to RCW 9.41.040(1)(a), and against the peace and dignity of the State of Washington.

COUNT VII

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of *UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE*, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or

SECOND AMENDED INFORMATION- 3

1 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and
2 occasion that it would be difficult to separate proof of one charge from proof of the others, committed as
follows:

3 That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 18th day of
4 November, 2008, did unlawfully and feloniously, possess a controlled substance, to-wit:
Methamphetamine, classified under Schedule II of the Uniform Controlled Substances Act, contrary to
5 RCW 69.50.4013, and against the peace and dignity of the State of Washington.

6 COUNT VIII

7 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the
8 authority of the State of Washington, do accuse ROBERT SHERMAN WILSON of the crime of
9 OBSTRUCTING A LAW ENFORCEMENT OFFICER (CONDUCT ONLY, NOT FALSE
10 STATEMENT), a crime of the same or similar character, and/or a crime based on the same conduct or on
a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely
connected in respect to time, place and occasion that it would be difficult to separate proof of one charge
from proof of the others, committed as follows:

11 That ROBERT SHERMAN WILSON, in the State of Washington, on or about the 18th day of
12 November, 2008, willfully hinder, delay, or obstruct any law enforcement officer in the discharge of his
13 or her official powers or duties, contrary to RCW 9A.76.020(1), and against the peace and dignity of the
State of Washington.

14 DATED this 28th day of October, 2009.

15 PIERCE COUNTY SHERIFF
16 WA02700

MARK LINDQUIST
Pierce County Prosecuting Attorney

17
18 sko

By:


SUNNI Y. KO

Deputy Prosecuting Attorney
WSB#: 20425

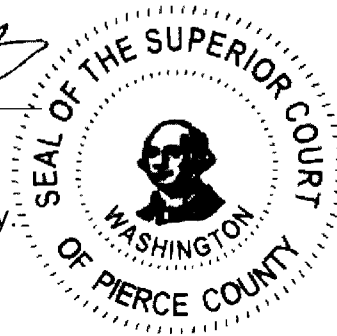
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/JANINE CAVALIER, Deputy.

Dated: Dec 9, 2013 10:19 AM



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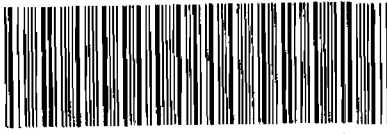
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Appendix M
Verdict Forms
Filed 11-13-09

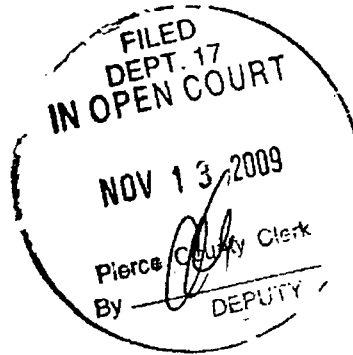
Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C38235D2-110A-9BE2-A935E2D89228D6B0

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209803 VRD 11-17-09

**ORIGINAL**

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON

Defendant.

CAUSE NO. 09-1-00181-4

VERDICT FORM I

We, the jury, find the defendant Guilty (write in the words "Not Guilty" or "Guilty") of the crime of Robbery in the 1st Degree as charged in Count I.

Robert J. Ramsey
PRESIDING JUROR

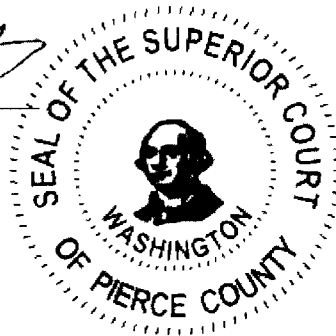
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



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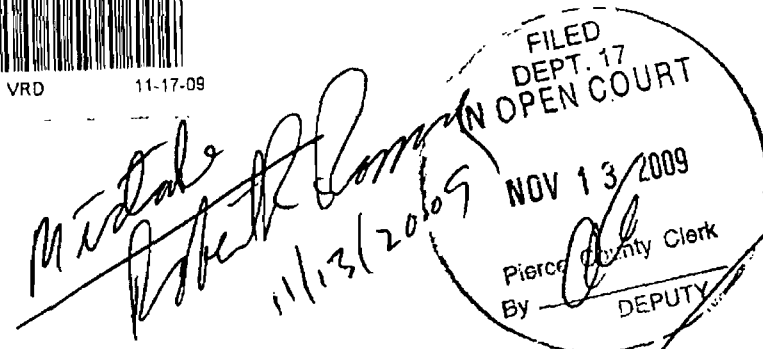
<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,
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Case Number: 09-1-00181-4 Date: December 5, 2013
SerialID: C38234F7-110A-9BE2-A970986B0D95F5EC
Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209804 VRD 11-17-09

ORIGINAL**SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00181-4

vs.

ROBERT SHERMAN WILSON

VERDICT FORM I

Defendant.

We, the jury, find the defendant Robert Sherman Wilson write in the words "Not Guilty" or "Guilty") of the crime of Robbery in the 1st Degree as charged in Count I.

Robert R. Ramsey
PRESIDING JUROR

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



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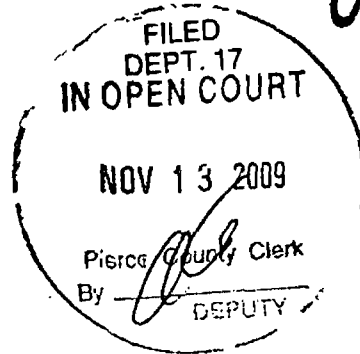
Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C38071EB-F20F-6452-D78249AEB2E6D4F2

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209830 SVRD 11-17-09

**ORIGINAL**

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON,

Defendant.

CAUSE NO. 09-1-00181-4

SPECIAL VERDICT FORM

We, the jury, return a special verdict by answering as follows:

Was the defendant Robert Wilson armed with a firearm at the time of the commission of the crime in Count I?

ANSWER: yes (Yes or No).

Robert R. Romney
PRESIDING JUROR

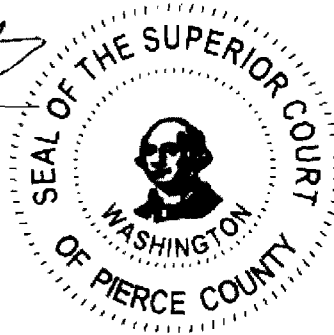
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



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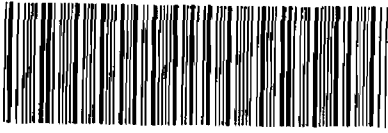
enter **SerialID: C38071EB-F20F-6452-D78249AEB2E6D4F2**.

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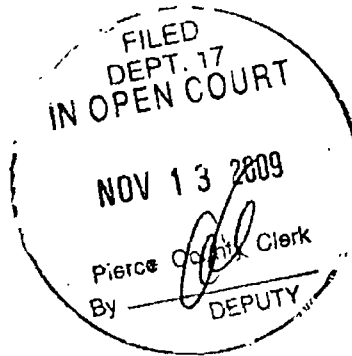
Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C38233FD-110A-9BE2-A9ECD87E52E4679B

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209813 VRD 11-17-09

**ORIGINAL**

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON

Defendant.

CAUSE NO. 09-1-00181-4

VERDICT FORM II

We, the jury, find the defendant Guilty (write in the words "Not Guilty" or "Guilty") of the crime of Unlawful Possession of a Firearm in the 1st Degree as charged in Count II.

Robert Flannery
PRESIDING JUROR

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

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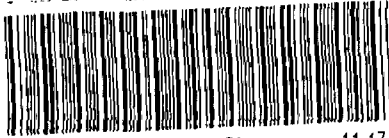
enter **SerialID: C38233FD-110A-9BE2-A9ECD87E52E4679B**.

This document contains 1 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C3806DF3-F20F-6452-D2C489565E8D656F

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4

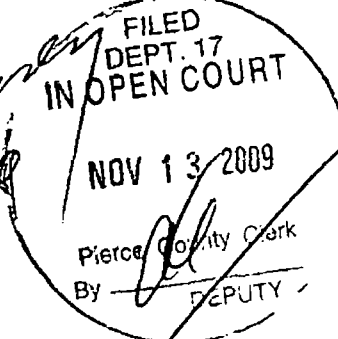
33209814

VRD

11-17-09

ORIGINAL

Mistake
Robert R. Ramsey
11/13/2009



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00181-4

vs.

ROBERT SHERMAN WILSON

VERDICT FORM II

Defendant.

We, the jury, find the defendant Robert Sherman Wilson (write in the words "NotGuilty" or "Guilty") of the crime of Unlawful Possession of a Firearm in the 1st Degree as charged in
Count II.

Robert R. Ramsey
PRESIDING JUROR

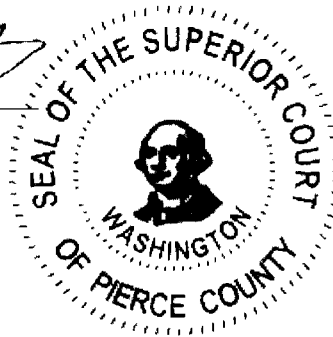
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,
enter **SerialID: C3806DF3-F20F-6452-D2C489565E8D656F**.

This document contains 1 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

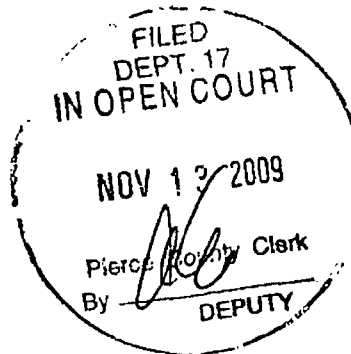
Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C3823C1C-110A-9BE2-A9876F33F6F7839D

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209819 VRD 11-17-09

ORIGINAL

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON

Defendant.

CAUSE NO. 09-1-00181-4

VERDICT FORM IIIWe, the jury, find the defendant Guilty (write in the words "Not

Guilty" or "Guilty") of the crime of Possessing a Stolen Motor Vehicle as charged in Count III.

Robert R. Ramsey
PRESIDING JUROR

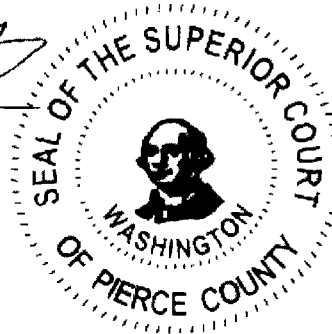
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:03 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

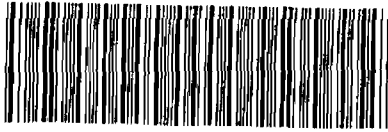
enter **SerialID: C3823C1C-110A-9BE2-A9876F33F6F7839D**.

This document contains 1 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

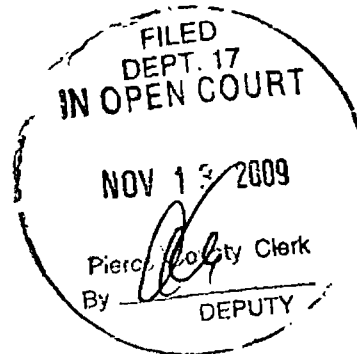
Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C3823B60-110A-9BE2-A9CAF00814D807BE

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209822 VRD 11-17-09

ORIGINAL

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON,

Defendant.

CAUSE NO. 09-1-00181-4

VERDICT FORM IV

We, the jury, find the defendant Guilty (write in the words "Not Guilty" or "Guilty") of the crime of Attempting to Elude a Police Vehicle as charged in Count IV.

Robert R. Romney
PRESIDING JUROR

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:03 AM

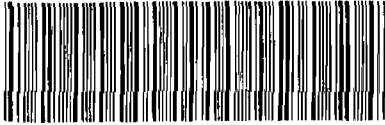


Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,
enter SerialID: C3823B60-110A-9BE2-A9CAF00814D807BE.

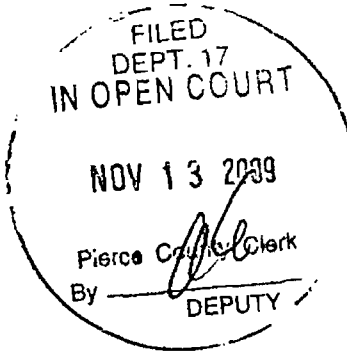
This document contains 1 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Case Number: 09-1-00181-4 Date: December 5, 2013
 SerialID: C38075A4-F20F-6452-D32F1E5111A55D91
 Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209823 VRD 11-17-09

ORIGINAL



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON,

Defendant.

CAUSE NO. 09-1-00181-4

VERDICT FORM V

We, the jury, find the defendant Guilty (write in the words "Not

Guilty" or "Guilty") of the crime of Attempting to Elude a Police Vehicle as charged in Count V.

Robert R. Ramsey
 PRESIDING JUROR

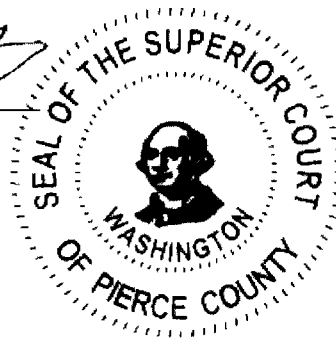
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:03 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

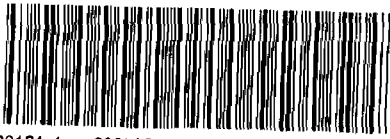
enter **SerialID: C38075A4-F20F-6452-D32F1E5111A55D91**.

This document contains 1 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Case Number: 09-1-00181-4 Date: December 5, 2013

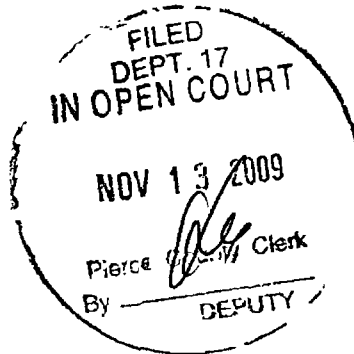
SerialID: C382398B-110A-9BE2-A983E003A4A8EB64

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209825 VRD 11-17-09

ORIGINAL



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON,

Defendant.

CAUSE NO. 09-1-00181-4

VERDICT FORM VI

We, the jury, find the defendant GUILTY (write in the words "Not

(Guilty) or "Guilty") of the crime of Unlawful Possession of a Firearm in the 1st Degree as charged in

Count VI.

Robert L. Conway
PRESIDING JUROR

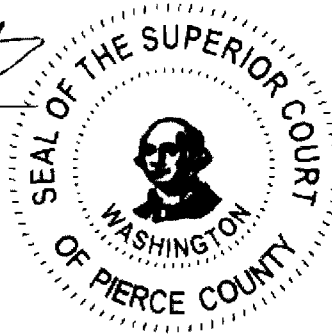
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:03 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

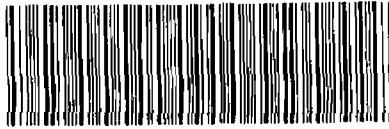
<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,
enter **SerialID: C382398B-110A-9BE2-A983E003A4A8EB64**.

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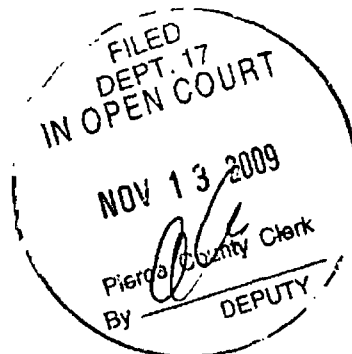
Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C38073B0-F20F-6452-D8884BA3D7D4356D

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209827 VRD 11-17-09

ORIGINAL

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON,

Defendant.

CAUSE NO. 09-1-00181-4

VERDICT FORM VII

We, the jury, find the defendant Guilty (write in the words "Not Guilty" or "Guilty") of the crime of Unlawful Possession of Controlled Substance as charged in Count VII.

Robert R. Lowrey
PRESIDING JUROR

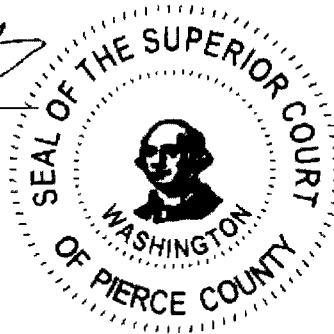
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: C38073B0-F20F-6452-D8884BA3D7D4356D**.

This document contains 1 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

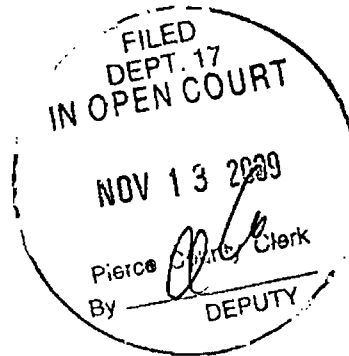
Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C38237A7-110A-9BE2-A972655130712AE1

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 33209828 VRD 11-17-09

ORIGINAL

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT SHERMAN WILSON,

Defendant.

CAUSE NO. 09-1-00181-4

VERDICT FORM VIII

We, the jury, find the defendant

Guilty

(write in the words "Not

Guilty" or "Guilty") of the crime of Obstructing a Law Enforcement Officer as charged in Count VIII.

Robert R. Ramsey
PRESIDING JUROR

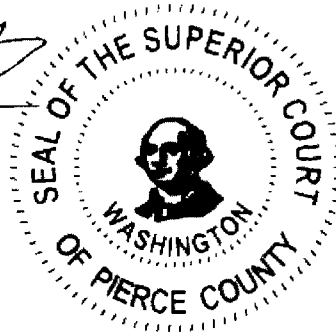
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:02 AM



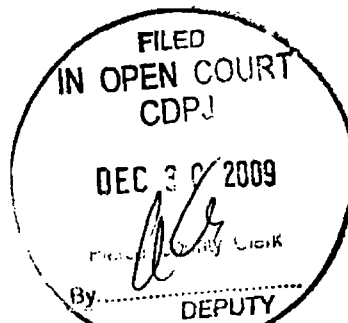
Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: C38237A7-110A-9BE2-A972655130712AE1**.

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Appendix N
Judgment and Sentence, Misdemeanor and/or Gross Misdemeanor
Filed 12-30-09



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00181-4

vs.

ROBERT SHERMAN WILSON,

Defendant.

JUDGMENT AND SENTENCE

DEC 31 2009

(Misd. and/or Gross Misd.)

☐ Plea of Guilty☒ Found Guilty by Jury☐ Found Guilty by Court

SUSPENDED

DOB: 05/16/84

RACE: WHITE

SEX: MALE

AGENCY: WA02700

INCIDENT #: 083500698

COUNT VIII ONLY

This matter coming on regularly for hearing in open court on the 30 day of December 2009, the defendant ROBERT SHERMAN WILSON and his attorney PAUL JOSEPH LANDRY appearing, and the State of Washington appearing by SUNNI Y. KO Prosecuting Attorney for Pierce County, following ~~a plea of guilty accepted by~~ the court on the 13 day of November, 2009. a conviction

IT IS HEREBY ORDERED, ADJUDGED AND DECREED That said Defendant is guilty of the crime(s) of OBSTRUCTING A LAW ENFORCEMENT OFFICER (CONDUCT ONLY, NOT FALSE STATEMENT), Charge Code: (EE12A), as found guilty by jury and as charged in the SECOND AMENDED Information herein, and that he shall be punished by confinement in the Pierce County Jail for a term of not more than 365 days.

☒ Said sentence shall be (suspended) on the attached conditions of (suspended) sentence and that the Defendant pay the prescribed crime victim compensation penalty assessment as per RCW 7.68.035 in the amount of \$ 300.

☐ The said Defendant is now hereby committed to the custody of the sheriff of aforesaid county to be detained.

Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason.

Bail is hereby exonerated.

Signed this 30 day of December, 2009, in the presence of said Defendant.


JUDGE
RONALD E. CULPEPPER

CERTIFICATE

Entered Jour. No. _____ Page No. _____ Department No. _____, this _____ day of _____

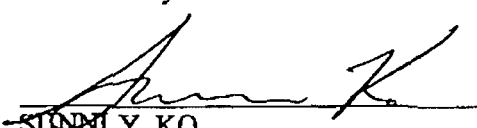
I, _____, County Clerk and Clerk of the Superior Court of the State of Washington, in and for the County of Pierce, do hereby certify that the foregoing is a fully, true and correct copy of the judgment, sentence, and commitment in this cause as the name appears of record in my office.

WITNESS my hand and seal of said Superior Court this _____ day of _____

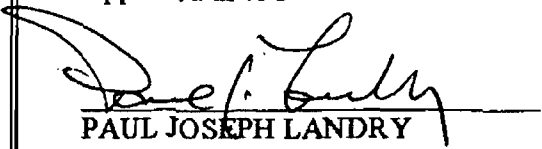
County Clerk and Clerk of Superior Court.

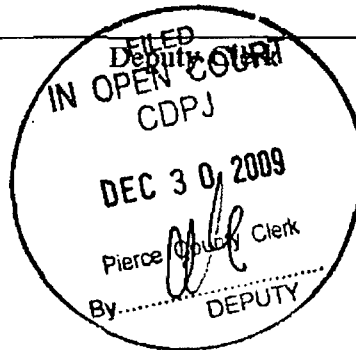
By _____

Presented by:


SUNMI Y. KO
Deputy Prosecuting Attorney
WSB # 20425

Approved as to Form:


PAUL JOSEPH LANDRY
Attorney for Defendant
WSB# 22175





SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00181-4

DEC 31 2009

vs.

ROBERT SHERMAN WILSON,

CONDITIONS ON SUSPENDED
SENTENCE

Defendant.

This matter coming on regularly for sentencing before the Honorable Ron Culpepper, Judge, on the 30 day of December 2009, and the Court having sentenced the defendant ROBERT SHERMAN WILSON to the term of 365 days for the crime(s) of OBSTRUCTING A LAW ENFORCEMENT OFFICER (CONDUCT ONLY, NOT FALSE STATEMENT) and the Court having suspended that term, the Court herewith orders the following conditions and provisions:

1. ☒ Termination date is to be 1 year(s) after date of sentence.
2. ☒ The Defendant shall be under the charge of a probation officer employed by the Department of Corrections and follow implicitly the instructions of said Department, and the rules and regulations promulgated by the Department of Corrections for the conduct of the Defendant during the time of his/her probation herein.
- () That the Defendant be under the supervision of the Court (bench probation).
3. () Defendant will pay the following amounts to the Clerk of the Superior Court, Pierce County, Washington.

\$ _____ Attorney fees as reimbursement for a portion of the expense of his/her court appointed counsel provided by the Pierce County Department of Assigned Counsel. The court finds that the defendant is able to pay said fee without undue financial hardship.

\$ 500⁰⁰ Crime Victim Compensation penalty assessment per RCW 7.68.035;

\$ 200⁰⁰ Court Costs;

\$ _____ Fine;

\$ _____ Other: _____

\$ _____ Restitution to be forwarded to: _____

Restitution hearing set for _____

\$ 700⁰⁰ TOTAL payable at the rate of \$ _____ per month commencing

concurrent w/ counts I-II

Revocation of this probation for nonpayment shall occur only if defendant wilfully fails to make the payments having the financial ability to do so or wilfully fails to make a good faith effort to acquire means to make the payment.

A notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender, if a monthly court-ordered legal financial obligation payment is not paid when due and an amount equal to or greater than the amount payable for one month is owed.

THE FINANCIAL OBLIGATIONS IMPOSED IN THIS JUDGMENT SHALL BEAR INTEREST FROM THE DATE OF THE JUDGMENT UNTIL PAYMENT IN FULL, AT THE RATE APPLICABLE TO CIVIL JUDGMENTS. RCW 10.82.090. AN AWARD OF COSTS ON APPEAL AGAINST THE DEFENDANT MAY BE ADDED TO THE TOTAL LEGAL FINANCIAL OBLIGATIONS. RCW 10.73.

Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason.

☒ Further Conditions as follows:

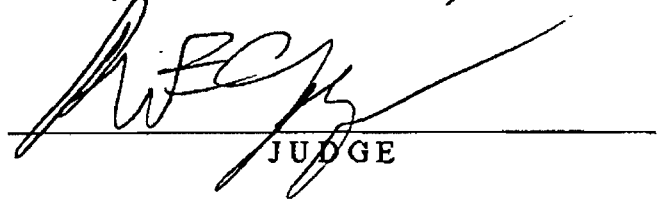
- 365/0 days suspended 2 years;

- 200/500/concurrent to counts I - VII

IT IS FURTHER ORDERED that, upon completion of any incarceration imposed the defendant shall be released from the custody of the Sheriff of Pierce County and report to the authorized Probation Officer of this district, to receive his instructions: Bail is hereby exonerated.


[] PURSUANT TO 1993 LAWS OF WASHINGTON, CHAPTER 419, IF THIS OFFENDER IS FOUND TO BE A CRIMINAL ALIEN ELIGIBLE FOR RELEASE AND DEPORTATION BY THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, SUBJECT TO ARREST AND RE- INCARCERATION IN ACCORDANCE WITH THIS LAW, THEN THE UNDERSIGNED JUDGE AND PROSECUTOR CONSENT TO SUCH RELEASE AND DEPORTATION PRIOR TO THE EXPIRATION OF THE SENTENCE.

DONE IN OPEN COURT this 30 day of December 2009



JUDGE


RONALD E. CULPEPPER

Presented by:

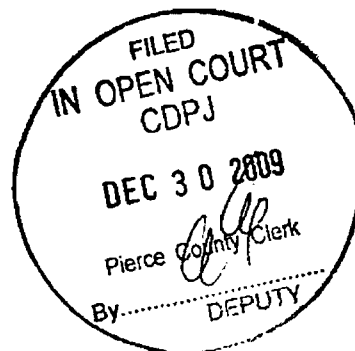

SUNNY Y. KO, WSB # 20425
Deputy Prosecuting Attorney

Approved as to Form:


PAUL JOSEPH LANDRY, WSB # 22175
Attorney for Defendant


ROBERT SHERMAN WILSON
Defendant

lw



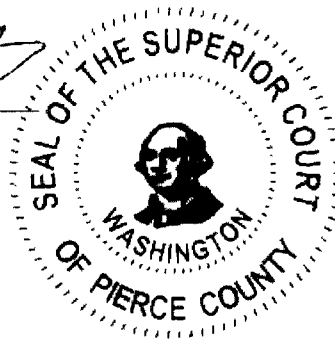
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:03 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: C3807824-F20F-6452-DF29D1089DFA92D6**.

This document contains 5 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix O
Notice of Appeal
Filed 01-26-10

January 26 2010 3:24 PM

KEVIN STOCK
COUNTY CLERK
NO: 09-1-00181-4

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

Respondent,

vs.

ROBERT SHERMAN WILSON,

Defendant.

Case Number: 09-1-00181-4 Date: December 5, 2013
Serial ID: C3807A98-F20F-6452-B6772CA98214A6D7
Certified By: Kevin Stock Pierce County Clerk, Washington

NOTICE OF APPEAL

ROBERT SHERMAN WILSON, defendant, seeks review by Court of Appeals, Division II of the Judgment and Sentence and Warrant of Commitment entered on the 30th day of December, 2009. A copy of the decision is attached to this notice.

DATED this 26th day of January, 2010.

/s/BARBARA COREY, WSBA#11778
Attorney for Appellant
barbara@bcoreylaw.com

CERTIFICATE OF SERVICE:

I declare under penalty of perjury under the laws of the State of Washington that the following is a true and correct: That on this date, I delivered via ABC- Legal Messenger/U.S. Mail-postage pre-paid, a copy of this Document to: Kathleen Proctor, Pierce County Prosecutor's Office, 930 Tacoma Ave So, Room 946 Tacoma, Washington 98402

1/26/10
Date

/s/Kim Redford
Legal Assistant

NOTICE OF APPEAL
Page 1

Barbara Corey, Attorney, PLLC
901 South "I" Street, Suite 201
Tacoma, WA 98405
253-779-0844

09-1-00181-4

*Defendant should be offered drug treatment
in Department of Corrections, Burt Cope
12/30/2009*

FILED
IN OPEN COURT
SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
Case Number: 09-1-00181-4 Date: December 5, 2013
Certified: Kevin Stock Pierce County Clerk, Washington

DEC 30 2009

STATE OF WASHINGTON,

DEC 31 2009

vs.

ROBERT SHERMAN WILSON

Defendant.

SID: WA20160357

DOB: 05/16/1984

JUDGMENT AND SENTENCE (FJS)

☒ Prison ☐ RCW 9.94A.712 Prison Confinement☐ Jail One Year or Less☐ First-Time Offender☐ Special Sexual Offender Sentencing Alternative☐ Special Drug Offender Sentencing Alternative☐ Breaking The Cycle (BTC)☐ Clerk's Action Required, para 4.5

(SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6

and 5.8

I. HEARING

- 1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on 11/13, 2009
by ☐ plea ☒ jury-verdict ☐ bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	ROBBERY IN THE FIRST DEGREE (AAA2)	9A.56.190 9A.56.200(1)(a)(ii) 9.41.010 9.94A.310/9.94A.510 9.94A.370/9.94A.530	F	12/15/08	PCSD 083500698
II	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE (GGG66)	9.41.010(12) 9.41.040(1)(a)	None	12/15/08	PCSD 083500698

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COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
III	UNLAWFUL POSSESSION OF A STOLEN VEHICLE (BBB13)	9A.56.068 9A.56.140	None	01/02/09	PCSD 083500698
IV	ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE (GGG1A)	46.61.024(1)	None	01/02/09	PCSD 083500698
V	ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE (GGG1A)	46.61.024(1)	None	01/02/09	PCSD 083500698
VI	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE (GGG66)	9.41.010(12) 9.41.040(1)(a)	None	12/15/08	PCSD 083500698
VII	UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE (J73M)	69.50.4013	None	11/18/08	PCSD 083500698

Case Number: 09-1-00181-4 Date: December 5, 2013
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 Certified By: Kevin Stock Pierce County Clerk, Washington

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as found guilty by jury and as charged in the SECOND AMENDED Information

☒ A special verdict/finding for use of firearm was returned on Count(s) I
 RCW 9.94A.602, 9.94A.533.

☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	ADULT JUV	TYPE OF CRIME
1	THEFT 2	8/18/03	Grays Harbor, WA	5/19/03	Adult	NV
2	PSP 2	6/25/07	Grays Harbor, WA	10/25/04	Adult	NV
3	ATT ROBBERY 1	1/31/06	Pierce Cty, WA	11/15/05	Adult	V
4	UPFIREARM II	1/31/06	Pierce Cty, WA	11/15/05	Adult	NV
5	OTHER CURRENT					

☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

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2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	11	IX	129 - 171 months	F - 60 months	189 - 231 months	LIFE/ \$50,000
II	10	VII	87 - 116 months	None	87 - 116 months	10yrs/ \$20,000
III	10	II	43 - 57 months	None	43 - 57 months	5yrs/ \$10,000
IV	10	I	22 - 29 months	None	22 - 29 months	5yrs/ \$10,000
V	10	I	22 - 29 months	None	22 - 29 months	5yrs/ \$10,000
VI	10	VII	87 - 116 months	None	87 - 116 months	10yrs/ \$20,000
VII	10	II	60+ - 120 months	None	60+ - 120 months	10yrs/ \$20,000

2.4 ☐ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

☐ within ☐ below the standard range for Count(s) _____.

☐ above the standard range for Count(s) _____.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

☐ The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

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2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows: _____

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 ☐ The court DISMISSES Counts _____ ☐ The defendant is found NOT GUILTY of Counts _____

Case Number: 09-1-00181-4 Date: December 5, 2013

IV. SENTENCE AND ORDER 07A38-F20F-6452-D6772CA98214A6D7

Certified By: Kevin Stock Pierce County Clerk, Washington

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RJN	\$ _____	Restitution to: <u>by LOC</u>
	\$ _____	Restitution to: _____
	(Name and Address--address may be withheld and provided confidentially to Clerk's Office).	
PCV	\$ <u>500.00</u>	Crime Victim assessment
DNA	\$ <u>100.00</u>	DNA Database Fee
PUB	\$ _____	Court-Appointed Attorney Fees and Defense Costs
FRC	\$ <u>200.00</u>	Criminal Filing Fee
FCM	\$ _____	Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 800.00 TOTAL

☐ The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☐ shall be set by the prosecutor.

☐ is scheduled for: _____

☐ RESTITUTION. Order Attached

☐ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☒ All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ _____ per month commencing _____, RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

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[] **COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

Case Number: 09-1-00181-4 Date: December 5, 2013

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Certified By: Kevin Stock Pierce County Clerk, Washington

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.2 [X] **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

[] **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 **NO CONTACT**

The defendant shall not have contact with JAVA-2-60 + Alysha Chandler (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).

[] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 **OTHER:** Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4a **BOND IS HEREBY EXONERATED**

4.5 **CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:

(a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

140 months on Count I 57 months on Count VI
116 months on Count II months on Count

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29 months on Count IV 116 months on Count VI
 29 months on Count V 120 months on Count VII

A special finding/verdict having been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

60 months on Count No I _____ months on Count No _____
 _____ months on Count No _____
 _____ months on Count No _____
 _____ months on Count No _____
 _____ months on Count No _____

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 Certified By: Kevin Stock Pierce County Clerk, Washington

Sentence enhancements in Counts I shall run
☐ concurrent ☒ consecutive to each other: base time.
 Sentence enhancements in Counts I shall be served
☒ flat time ☐ subject to earned good time credit

Actual number of months of total confinement ordered is: _____

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

☐ The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 362 days

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4.6 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months;

Count _____ for _____ months;

Count _____ for _____ months;

X COMMUNITY CUSTODY is ordered as follows:

Count I for a range from:

Case Number: 09-1-00181-4 Date: December 31, 2009

Criminal: C3807A38-F20F-6462-D6772CA98214A6D7

Certified By: Kevin Stock Pierce County Clerk, Washington

Count _____ for a range from:

to

Months;

Count _____ for a range from:

to

Months;

Count _____ for a range from:

to

Months;

Count _____ for a range from:

to

Months;

Count _____ for a range from:

to

Months;

Count _____ for a range from:

to

Months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offense not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories, or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)	v) Residential burglary offense	
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.743.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with

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the orders of the court as required by DOC, and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

☐ The defendant shall not consume any alcohol.

☒ Defendant shall have no contact with: Alysa Chandler

☐ Defendant shall remain ☐ within ☒ outside of a specified geographical boundary, to wit: JAVA 2-630

☐ Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8))

☐ The defendant shall participate in the following crime-related treatment or counseling services: _____

☐ The defendant shall undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse ☐ mental health ☐ anger management and fully comply with all recommended treatment.

☐ The defendant shall comply with the following crime-related prohibitions: _____

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: _____

☐ For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense.

4.7 ☐ **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus

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petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to extend the period of supervision for the offender until the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

[] Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

N/A

5.8 []. The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

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5.10 OTHER: Defendant may enter into drug treatment
if available in prison

DONE in Open Court and in the presence of the defendant this date:

Case Number: 09-1-00181-4 Date: December 3, 2009
 SerialID: C8807A03-F20F-6452-D6772CA98244A6D7
 Print name: Kevin Stock Pierce County Clerk, Washington

RONALD E. CULPEPPER

Deputy Prosecuting Attorney

Print name: SHAWN K.

WSB # 20425

Attorney for Defendant

Print name: PAUL J. LANDON

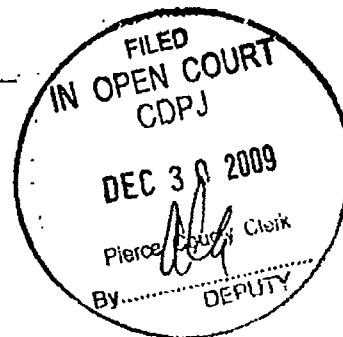
WSB # 22175

Defendant

Print name: _____

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: [Signature]



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1
2 **CERTIFICATE OF CLERK**3 **CAUSE NUMBER** of this case: 09-1-00181-44 I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and
5 Sentence in the above-entitled action now on record in this office.6 **WITNESS** my hand and seal of the said Superior Court affixed this date: _____

7 Clerk of said County and State, by: _____

Case Number: 09-1-00181-4 Date: December 5, 2013

Serial ID: C3807A38-F20F-6452-D6772CA98214A6D7 Deputy Clerk

Certified By: Kevin Stock Pierce County Clerk, Washington

8
9 **IDENTIFICATION OF COURT REPORTER**10 _____
11 Court Reporter**KARLA JOHNSON**

09-1-00181-4

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- ☐ sex offense
☐ serious violent offense
☐ assault in the second degree
☒ any crime where the defendant or an accomplice was armed with a deadly weapon
☐ any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:
 SerialID: C3807A38-F20F-6452-D6772CA98214A6D7

The offender shall work at Department of Corrections approved education, employment, and/or community service,

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC;

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

_____ (I) The offender shall remain within, or outside of, a specified geographical boundary: _____

_____ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: _____

_____ (III) The offender shall participate in crime-related treatment or counseling services;

_____ (IV) The offender shall not consume alcohol; _____

_____ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

_____ (VI) The offender shall comply with any crime-related prohibitions.

_____ (VII) Other: _____

09-1-00181-4

IDENTIFICATION OF DEFENDANT

SID No. WA20160357
(If no SID take fingerprint card for State Patrol)

Date of Birth 05/16/1984

FBI No. 968390PB3

Local ID No. UNK

PCN No. 539668391

Other

Alias name, SSN, DOB:

Case Number: 09-1-00181-4 Date: December 5, 2013

SerialID: C3807A38 F20F 6452 D6772CA98214A6D7

Certified By: Kevin Stock Pierce County Clerk, Washington

Race:

Ethnicity:

Sex:

☐ Asian/Pacific Islander ☐ Black/African-American ☒ Caucasian ☐ Hispanic ☒ Male

☐ Native American ☐ Other: ☒ Non-Hispanic ☐ Female

FINGERPRINTS

Left four fingers taken simultaneously

Left Thumb



Right Thumb

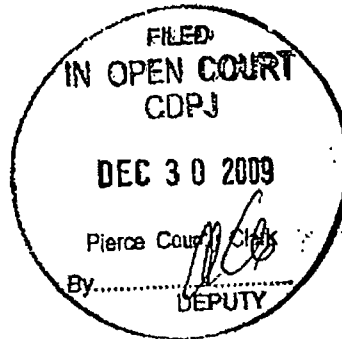
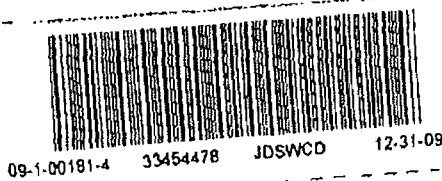
Right four fingers taken simultaneously



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, A. Edwards Dated: 12-30-09

DEFENDANT'S SIGNATURE: R. J. N.

DEFENDANT'S ADDRESS: _____



Case Number: 09-1-00181-4 Date: December 5, 2013

Serial: C3807A38-F20F-6452-D6772CA98214A6D7

Certified By: Kevin Stock Pierce County Clerk, Washington

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 09-1-00181-4

DEC 31 2009

vs.

ROBERT SHERMAN WILSON,

Defendant.

WARRANT OF COMMITMENT

- 1) ☐ County Jail
 2) ☒ Dept. of Corrections
 3) ☐ Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

X 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

WARRANT OF
COMMITMENT -1

Office of Prosecuting Attorney
 930 Tacoma Avenue S. Room 946
 Tacoma, Washington 98402-2171
 Telephone: (253) 798-7400

09-1-00181-4

[] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

By direction of the Honorable

Dated: 12/30/09

JUDGE

KEVIN STOCK, RONALD E. CULPEPPER

Case Number: 09-1-00181-4 Date Filed: 12/31/2009

SerialID: C3807A38-F20F16832-26772CA98214A6D7

Certified By: Kevin Stock, Pierce County Clerk, Washington

By:

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

DEC 31 2009

Date

By: Chris Sutton Deputy

STATE OF WASHINGTON

ss:

County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

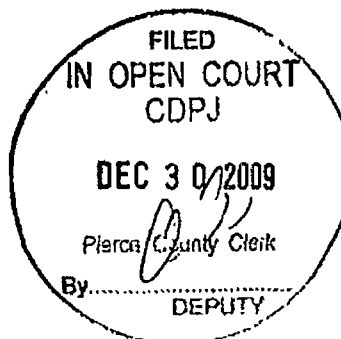
IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this

_____ day of _____,

KEVIN STOCK, Clerk

By: _____ Deputy

lw



WARRANT OF
COMMITMENT -2

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

Case Number: 09-1-00181-4 Date: December 5, 2013
SerialID: C3807A38-F20F-6452-D6772CA98214A6D7
Certified By: Kevin Stock Pierce County Clerk, Washington

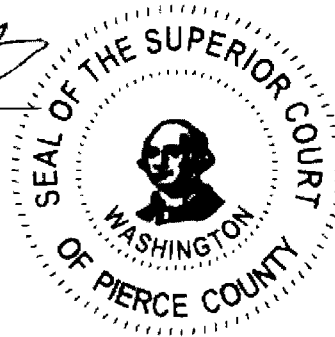
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:03 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,
enter **SerialID: C3807A38-F20F-6452-D6772CA98214A6D7**.

This document contains 16 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix P
Mandate
Filed 12-04-12

December 04 2012 11:07 AM

KEVIN STOCK
COUNTY CLERK
NO: 08-1-05561-4

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

ROBERT SHERMAN WILSON,

Appellant.

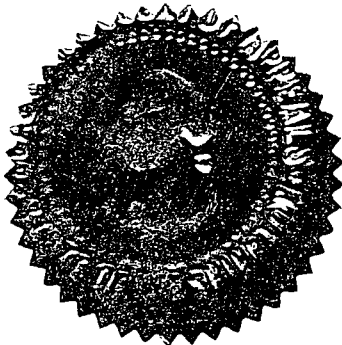
No. 40179-7-II

MANDATE

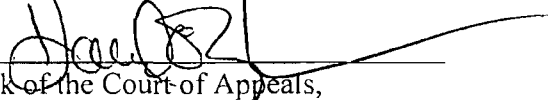
Pierce County Cause No.
08-1-05561-4

The State of Washington to: The Superior Court of the State of Washington
in and for Pierce County

This is to certify that the opinion of the Court of Appeals of the State of Washington, Division II, filed on March 28, 2012 became the decision terminating review of this court of the above entitled case on June 8, 2012. Accordingly, this cause is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the opinion.



IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the seal of said Court at
Tacoma, this 22nd day of June, 2012.


Clerk of the Court of Appeals,
State of Washington, Div. II

Page 2
Mandate 40179-7-II

Stephen D Trinen
Pierce County Prosecutors Ofc
930 Tacoma Ave S Rm 946
Tacoma, WA, 98402-2102
steve.trinen@co.pierce.wa.us

Barbara L. Corey
Attorney at Law
902 S 10th St
Tacoma, WA, 98405-4537
barbara@bcoreylaw.com

Robert Sherman Wilson
DOC#8615421
Stafford Creek Corr Ctr
191 Constantine Way
Aberdeen, WA 98520

Hon. Ronald Culpepper
Pierce Co Superior Court Judge
930 Tacoma Ave South
Tacoma, WA 98402

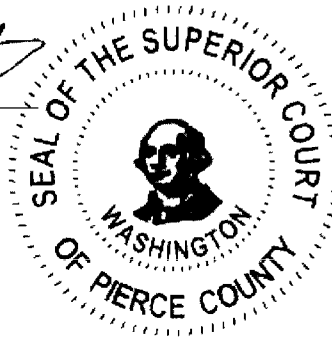
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 05 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 5, 2013 8:03 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

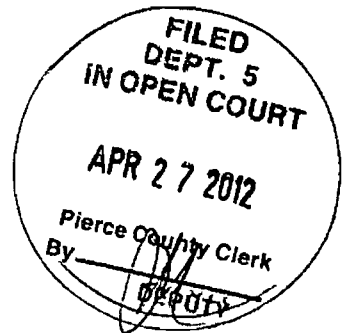
enter **SerialID: C3824023-110A-9BE2-A94EC7A16E145FAF**.

This document contains 2 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix Q
Warrant of Commitment and Judgment and Sentence of
Phillip Chase on
CA# 11-1-03743-8
Filed 04-27-12



11-1-03743-8 38421948 JDSWCD 04-27-12



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 11-1-03743-8

vs.

PHILLIP CHARLES CHASE,

Defendant.

WARRANT OF COMMITMENT

- 1) ☐ County Jail
 2) ☒ Dept. of Corrections
 3) ☐ Other Custody

APR 27 2012

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

WARRANT OF
COMMITMENT -1

Office of Prosecuting Attorney
 930 Tacoma Avenue S. Room 946
 Tacoma, Washington 98402-2171
 Telephone: (253) 798-7400

3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: April 27, 2012

By direction of the Honorable

JUDGE

KEVIN STOCK

CLERK

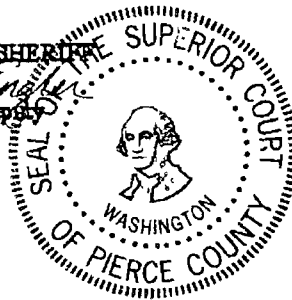
By: Mehar Engler

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

APR 27 2012

Mehar Engler
Deputy



STATE OF WASHINGTON

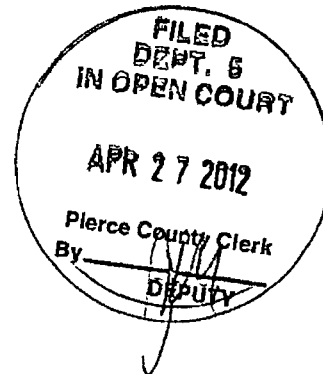
County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this _____ day of _____.

KEVIN STOCK, Clerk

By: _____ Deputy

bs



FILED
DEPT. 5
IN OPEN COURT

APR 27 2012

Pierce County Clerk

By [Signature]
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 11-1-03743-8

vs.

PHILLIP CHARLES CHASE

Defendant.

JUDGMENT AND SENTENCE (FJS)

☒ Prison ☐ RCW 9.94A.712 Prison
Confinement

☐ Jail One Year or Less

☐ First-Time Offender

☐ Special Sexual Offender Sentencing Alternative

☐ Special Drug Offender Sentencing Alternative

☐ Alternative to Confinement (ATC)

☐ Clerk's Action Required, per 45 (SDOSA),
4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

☐ Juvenile Decline ☐ Mandatory ☐ Discretionary

SID: WA19281956

DOB: 10/16/1980

I. HEARING

- 1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the deputy prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on April 3, 2012
by ☒ plea ☐ jury-verdict ☐ bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO
I	ATTEMPTED ASSAULT IN THE SECOND DEGREE (E47-A)	9A.36.021(1)(g) 9A.28.020	None	9/10/2011	PC Sheriff 11-253-1186

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.320,
(JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW
9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the Amended Information

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 1 of 11

Office of Prosecuting Attorney
930 Tacoma Avenue S Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

12-9-04504-7

Case Number: 11-1-03743-8 Date: December 6, 2013

SerialID: C89E74F4-110A-9BE2-A9EB9CC2AFF3ED75

Certified By: Kevin Stock Pierce County Clerk, Washington

11-1-03743-8

☒ 1 Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

☒ 2 Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): *Pierce County 005-1-03330-0 (I - Assault in the Third Degree; III - Assault in the Fourth Degree; IV - Unlawful Possession of a Motor Vehicle)*

22 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	Possession of Stolen Property 2 nd Degree (Note: Motor Vehicle)	7/24/07	Pierce Co., WA #07-1-02672-1	5/16/07	Adult	NV
2	Possession of Stolen Property 2 nd Degree (Note: Motor Vehicle)	9/13/06	Pierce Co., WA #06-1-03757-1	8/11/06	Adult	NV
3	Elding a Pursuing Police Vehicle	11/15/05	Pierce Co., WA #05-1-04792-7	9/29/05	Adult	NV
4	Possession of Stolen Property 2 nd Degree	11/15/05	Pierce Co., WA #05-1-04792-7	9/29/05	Adult	NV
5	Attempted Assault in the Second Degree (Domestic Violence)	10/15/04	Pierce Co., WA # 04-1-04270-6	9/5/04	Adult	Violent
6	Assault in the Third Degree (Domestic Violence)	10/15/04	Pierce Co., WA # 04-1-04270-6	9/5/04	Adult	NV
7	Forgery	11/16/98	Pierce Co., WA # 98-8-03263-1	10/11/98	Juven.	NV
8	Theft in the Second Degree	7/19/96	Pierce Co., WA # 96-8-00416-0	02/09/96	Juven.	NV
9	Assault 4 th Degree	11/15/05	Pierce Co. District Ct. #1	(2005)	(Adult)	Misd
10	DWLS 3 rd Degree	(2001)	Westport Muni. Ct.	(2001)	(Adult)	Misd
11	Disorderly Conduct	(2001)	Westport Muni. Ct.	(2001)	(Adult)	Misd
12	Possession of Marijuana-less than 40 grams	(2000)	Fife Muni. Ct.	(2000)	(Adult)	Misd
13	Possess/Use Drug Paraphernalia	(2000)	Fife Muni. Ct. (same case as above)	(2000)	(Adult)	Misd

☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	11	IV ["Attempt" standard range is 75% of range for completed offense]	47.25 – 60 months ⁰⁰ [⁰⁰ Note – completed offense range is 63 – 84 months. 75% of 84 months equals 63 months. However, this exceeds 60-month statutory maximum.]	N/A	47.25 – 60 months ⁰⁰	5 years/ \$10,000

2.4 [] EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

[] within [] below the standard range for Count(s) _____.

[] above the standard range for Count(s) _____.

[] The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

[] Aggravating factors were [] stipulated by the defendant, [] found by the court after the defendant waived jury trial, [] found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. [] Jury's special interrogatory is attached. The Prosecuting Attorney [] did [] did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

[] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

[] The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are [] attached [] as follows:

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 [] The court DISMISSES Counts _____ [] The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RIN \$ (Retain) Restitution to: _____

\$ _____ Restitution to: _____
(Name and Address—address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Crime Victim assessment

DNA \$ 100.00 DNA Database Fee waved

PUB \$ _____ Court-Appointed Attorney Fees and Defense Costs

FRC \$ 200.00 Criminal Filing Fee

FCM \$ _____ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 700⁰⁰ TOTAL

☒ The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☒ shall be set by the prosecutor. if requested

☐ is scheduled for _____

☐ RESTITUTION. Order Attached

☐ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☒ All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ per month per month commencing. _____ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

☐ COSTS OF INCARCERATION. In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

4.1b ELECTRONIC MONITORING REIMBURSEMENT. The defendant is ordered to reimburse(name of electronic monitoring agency) at _____
for the cost of pretrial electronic monitoring in the amount of \$ _____.**4.2 [X] DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.[] **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.**4.3 NO CONTACT**The defendant shall not have contact with Megan Kelly (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 5 years (not to exceed the maximum statutory sentence).

[] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 OTHER: Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4a [] All property is hereby forfeited

[] Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4b BOND IS HEREBY EXONERATED**4.5 CONFINEMENT OVER ONE YEAR.** The defendant is sentenced as follows:(a) **CONFINEMENT.** RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

<u>60</u> months on Count	<u>I</u>	_____ months on Count	_____
_____ months on Count	_____	_____ months on Count	_____
_____ months on Count	_____	_____ months on Count	_____

Actual number of months of total confinement ordered is: 60 months

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

[] The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: since 9/10/2011

4.6 ☒ **COMMUNITY PLACEMENT** (pre 7/1/00 offenses) is ordered as follows:

Count I for 18 months;

Count _____ for _____ months;

Count _____ for _____ months;

☐ **COMMUNITY CUSTODY** (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

(A) The defendant shall be on community custody for the longer of:

(1) the period of early release. RCW 9.94A.728(1)(2); or

(2) the period imposed by the court, as follows:

Count(s) _____ 36 months for Serious Violent Offenses

Count(s) I 18 months for Violent Offenses

Count(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(B) While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .705 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The court orders that during the period of supervision the defendant shall:

☐ consume no alcohol.

☒ have no contact with: Megan Kelly

☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit: _____

☐ not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age

☐ participate in the following crime-related treatment or counseling services: _____

☐ undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse

☐ mental health ☐ anger management and fully comply with all recommended treatment.

☐ comply with the following crime-related prohibitions: _____

☐ Other conditions: _____

☐ For sentences imposed under RCW 9.94A.702, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7 ☐ WORK ETHIC CAMP. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 OFF LIMITS ORDER (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

☒ Defendant waives any right to be present at any restitution hearing (sign initials): PC

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

N/A

5.8 ☐ The court finds that Court _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: April 27, 2012

JUDGE

Print name VICKI HOGAN

Deputy Prosecuting Attorney - Special Appointed

Print name: MARK THOMPSON

WSB #16477

Attorney for Defendant

Print name: MARY KAY HIGH

WSB #20123

Defendant

Print name: PHILLIP CHARLES CHASE

(aka-PHILLIP CHARLES DIEZMAN CHASE)

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: _____

FILED
DEPT. 5
IN OPEN COURT

APR 27 2012

Pierce County Clerk

By _____

DEPUTY

Case Number: 11-1-03743-8 Date: December 6, 2013

SerialID: C89E74F4-110A-9BE2-A9EB9CC2AFF3ED75

Certified By: Kevin Stock Pierce County Clerk, Washington

11-1-03743-8

CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 11-1-03743-8

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF COURT REPORTER

RAELENE SEMAGO
Court Reporter

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- ☐ sex offense
☐ serious violent offense
☒ assault in the second degree (note: including Attempted Assault in the Second Degree)
☐ any crime where the defendant or an accomplice was armed with a deadly weapon
☐ any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC;

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

☐ (I) The offender shall remain within, or outside of, a specified geographical boundary: _____

☒ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: Megan Kelly

☐ (III) The offender shall participate in crime-related treatment or counseling services;

☐ (IV) The offender shall not consume alcohol; _____

☐ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections, or

☐ (VI) The offender shall comply with any crime-related prohibitions.

☐ (VII) Other: _____

Case Number: 11-1-03743-8 Date: December 6, 2013

SerialID: C89E74F4-110A-9BE2-A9EB9CC2AFF3ED75

Certified By: Kevin Stock Pierce County Clerk, Washington

11-1-03743-8

IDENTIFICATION OF DEFENDANT

SID No. WA19281956

Date of Birth 10/16/1980

(If no SID take fingerprint card for State Patrol)

FBI No. 558207WB7

Local ID No. UNKNOWN

PCN No. 540527318

Other

Alias name, SSN, DOB: _____

Race:					Ethnicity:		Sex:	
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/>	<input type="checkbox"/> Black/African-American	<input checked="" type="checkbox"/>	<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Male	
<input type="checkbox"/> Native American	<input type="checkbox"/>	<input type="checkbox"/> Other: :			<input checked="" type="checkbox"/> Non-Hispanic	<input type="checkbox"/>	<input type="checkbox"/> Female	

FINGERPRINTS

Left four fingers taken simultaneously

Left Thumb

Right Thumb

Right four fingers taken simultaneously

I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, Sam May Dated: 4/27/2012

DEFENDANT'S SIGNATURE: _____

DEFENDANT'S ADDRESS: _____

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 06 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 6, 2013 7:51 AM



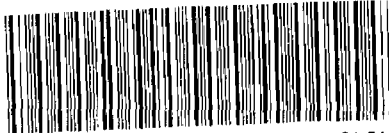
Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: C89E74F4-110A-9BE2-A9EB9CC2AFF3ED75**.

This document contains 14 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix R
Stipulation on Prior Record and Offender Score of
Phillip Chase on
CA# 11-1-03743-8
Filed 04-03-12



11-1-03743-8 38281188 STPPR 04-04-12

FILED
DEPT. 5
IN OPEN COURT

APR 3 - 2012

Pierce County Clerk
By *[Signature]* DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 11-1-03743-8

vs.

PHILLIP CHARLES CHASE,

STIPULATION ON PRIOR RECORD
AND OFFENDER SCORE
(Plea of Guilty) *[Signature]*

Defendant.

Upon the entry of a plea of guilty in the above cause number, charge ATTEMPTED ASSAULT IN THE SECOND DEGREE, the defendant PHILLIP CHARLES CHASE, hereby stipulates that the following prior convictions are his complete criminal history, are correct and that he is the person named in the convictions:

WASHINGTON STATE CONVICTIONS

CRIME	SENTENCE DATE	SENTENCING COURT	CRIME DATE	ADULT or JUV.	CRIME TYPE	Felony or Misdemeanor
Possession of Stolen Property 2 nd Degree (Note: Motor Vehicle)	7/24/07	Pierce Co., WA #07-1-02672-1	5/16/07	Adult	NV	Felony
Possession of Stolen Property 2 nd Degree (Note: Motor Vehicle)	9/13/06	Pierce Co., WA #06-1-03757-1	8/11/06	Adult	NV	Felony
Eluding a Pursuing Police Vehicle	11/15/05	Pierce Co., WA #05-1-04792-7	9/29/05	Adult	NV	Felony
Possession of Stolen Property 2 nd Degree	11/15/05	Pierce Co., WA #05-1-04792-7	9/29/05	Adult	NV	Felony
Attempted Assault in the Second Degree (Domestic Violence)	10/15/04	Pierce Co., WA #04-1-04270-6	9/5/04	Adult	Violent	Felony
Assault in the Third Degree (Domestic Violence)	10/15/04	Pierce Co., WA #04-1-04270-6	9/5/04	Adult	NV	Felony
Forgery	11/16/98	Pierce Co., WA #98-8-03263-1	10/11/98	Juven.	NV	Felony
Theft in the Second Degree	7/19/96	Pierce Co., WA #96-8-00416-0	02/09/96	Juven.	NV	Felony

Assault 4 th Degree	11/15/05	Pierce Co. District Ct. #1	(2005)	(Adult)	-	Gross Misdemeanor
DWLS 3 rd Degree	(2001)	Westport Muni. Ct.	(2001)	(Adult)	-	Misdemeanor
Disorderly Conduct	(2001)	Westport Muni. Ct.	(2001)	(Adult)	-	Misdemeanor
Possession of Marijuana-less than 40 grams	(2000)	Fife Muni. Ct.	(2000)	(Adult)	-	Misdemeanor
Possess/Use Drug Paraphernalia	(2000)	Fife Muni. Ct. (same case as above)	(2000)	(Adult)	-	Misdemeanor

Concurrent conviction scoring: The parties anticipate that the defendant will have pleaded guilty to the following charges in Pierce County #09-1-00030-3 prior to the time of sentencing in this case: Assault 3rd Degree, Attempting to Elude a Pursuing Police Vehicle, and Possession of a Stolen Motor Vehicle. The offender score noted herein and SRA "score sheet" submitted in this case are also based upon this assumption.

CONVICTIONS FROM OTHER JURISDICTIONS

The defendant also stipulates that the following convictions are equivalent to Washington State felony convictions of the class indicated, per RCW 9.94A.360(3)/9.94A.525 (Classifications of felony/misdemeanor, Class, and Type made under Washington Law):

Crime	Date of Sentence	Jurisdiction	Date of Crime	Adult/ Juvenile	Crime Type	Class	Score	Felony or Misdemeanor
NONE KNOWN OR CLAIMED								

Concurrent conviction scoring: (From other jurisdictions - none)

The defendant stipulates that the above criminal history and scoring are correct, producing an offender score as follows, including current offenses, and stipulates that the offender score is correct:

COUNT NO	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancement)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancement)	MAXIMUM TERM
I	11	IV ["Attempt" standard range is 75% of range for completed offense]	47.25 - 60 months** [**Note - completed offense range is 63 - 84 months. 75% of 84 months equals 63 months. However, this exceeds 60-month statutory maximum.]	N/A	47.25 - 60 months**	5 years


*(F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520,
(JP) Juvenile present.

The defendant further stipulates:

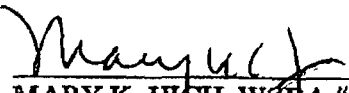
- 1) Pursuant to *Blakely v. Washington*, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004), defendant may have a right to have factors that affect the determination of criminal history and offender score be determined by a jury beyond a reasonable doubt. Defendant waives any such right to a jury determination of these factors and asks this court to sentence according to the stipulated offender score set forth above.
- 2) That if any additional criminal history is discovered, the State of Washington may resentence the defendant using the corrected offender score without affecting the validity of the plea of guilty;
- 3) That if the defendant pled guilty to an information which was amended as a result of plea negotiation, and if the plea of guilty is set aside due to the motion of the defendant, the State of Washington is permitted to refile and prosecute any charge(s) dismissed, reduced or withheld from filing by that negotiation, and speedy trial rules shall not be a bar to such later prosecution;
- 4) That none of the above criminal history convictions have "washed out" under RCW 9.94A.360(3)/9.94A.525 unless specifically so indicated.

If sentenced within the standard range, the defendant further waives any right to appeal or seek redress via any collateral attack based upon the above stated criminal history and/or offender score calculation.

Stipulated to this on the 3rd day of April, 2012.


 MARK THOMPSON, WSBA #16477
 Thurston County Senior Deputy
 Prosecuting Attorney
 Appointed Special Prosecutor for Pierce County


 PHILLIP CHARLES CHASE


 MARY K. HIGH, WSBA #20123
 Counsel for the Defendant

bs

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 06 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Melissa Engler, Deputy.

Dated: Dec 6, 2013 7:51 AM



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enter SerialID: C89CAF57-F20F-6452-D11F17A7E01FD479.

This document contains 3 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix S
Declaration of Stephen Trinen

1
2
3
4
5
6 IN THE COURT OF APPEALS
7 OF THE STATE OF WASHINGTON
8 DIVISION II

9 STATE OF WASHINGTON,

10 Respondent,

NO. 45059-3-II

11
12 v.

DECLARATION OF STEPHEN TRINEN

13 ROBERT WILSON

14 Appellant.

15 I, STEPHEN TRINEN, declare under penalty of perjury under the laws of the State
16 of Washington, the following is true and correct:

17 1. That I am a Deputy Prosecuting Attorney in the Appellate Unit of the Pierce
18 County Prosecutor's Office.

19 2. I am the attorney assigned to write the response to the personal restraint
20 petition in this case.

21 3. I have am an authorized user of Pierce County's Legal Information Network
22 Exchange (LINX) Computer system. My authorized use of that system includes access to
23 the booking history for inmates booked into the Pierce County jail. I accessed and printed
24 and attached as exhibits 1-4 copies of the jail booking histories for
25

1 Ex. 1. Robert Wilson, d.o.b. 05-16-1984

2 Ex. 2. Patrick Lamp, d.o.b. 04-09-1980

3 Ex. 3. Phillip Chase, d.o.b. 10-16-1980

4 Ex. 4. Richard Walsh, d.o.b. 11-28-1985.

5 4. Through the LINX system I also have access to Pierce County jail inmate
6 booking photos. I had a legal assistant print copies of the booking photos of Wilson and
7 Lamp. Two copies of Lamp's booking photo are attached, one from before the date of the
8 December 15, 2008 robbery of Java 2 Go and one from after that date in order to show
9 establish that Lamp's tattoos were in-place and did not change between the dates of the two
10 photos. I have verified each booking photo against the inmates' respective LINX records
11 and attached as:
12

13 Ex. 5. Booking Photo of Robert Wilson

14 Ex. 6. Booking Photo of Patrick Lamp taken on 01-13-2009

15 Ex. 7. Booking Photo of Patrick Lamp taken on 09-15-2006

16 5. I have access to the discovery contained in the prosecutor's case files and
17 obtained and attached as exhibits the following items from the various case files indicated

18 Ex. 8. Primary, i.e. ".1" police report from CA# 09-1-00780-4 (Puyallup
19 PD Incident No. 08010584.1) Patrick Lamp pleaded guilty and was
20 sentenced for the robbery in this cause number. See Response to
21 Petition, Appendices U and V.
22

23 Ex. 9. Primary, i.e. ".1" police report from CA# 09-1-00134-2 (Pierce
24 County Sheriff's Department Incident No. 090030812.1) Patrick
25

1 Lamp pleaded guilty and was sentenced for the robbery in this cause
2 number. See Response to Petition, Appendices W and X.

3 Ex. 10 Photo montage (scanned color copy) containing image of Robert
4 Wilson from the State's discovery in this case, CA# 09-1-00181-4
5 (Robert Wilson). [Note that the montage packet consists of a total
6 of four page and that the third page is a photocopy in the State's
7 original discovery.]

8 Ex 11 Three color digital evidence photos of the pants with the distinctive
9 pocket decoration that Wilson was wearing when arrested on
10 January 2, 2013, including a copy of Wilson wearing the pants
11 during booking

12 Ex. 12 A copy of the compact disk containing the surveillance video from
13 the December 15, 2008 robbery of Java 2 Go. In a third level sub-
14 directory, the disk contains two files:

15 CD_DVD_LocalHost_ch01[Clip 1]Part1 [720x480x7fps].avi
16
17 (view from inside Java 2 Go)

18 CD_DVD_LocalHost_ch03[Clip 1]Part1 [720x480x7fps].avi
19
20 (exterior view showing distinctive pants pocket)

21 NOTE we were able to get the vide to play using computer with the
22 Windows XP operating system, but not a computer using the
23 Windows 7 operating system. If the court has trouble getting the
24 video files to play, a viewing can be arranged. Because this is
25

1 digital media, a copy will be forwarded to the court and counsel for
2 Wilson under separate cover.

3 6. On December 9, 2013 I accessed the internet web site
4 www.weatherunderground.com for historic weather data from December 15, 2008. I
5 obtained the weather data from that date by entering the zip code of the Java 2 Go address,
6 which retrieved weather data from the nearest archived recording station which is in
7 Puyallup, WA.

8 However, the data from that reporting station does not constitute official National
9 Weather Service (NWS) data, so I also attached the weather records for the nearest station
10 with official NWS data, which is in Seattle.

11 Ex. 13. Historic weather data from 12-15-2008 for Puyallup, WA

12 Ex. 14. Historic official NWS weather data from 12-15-2005 for Seattle,
13 WA.

14 Dated: December 9, 2013

15 I affirm under penalty of perjury of the law of the State of Washington that the
16 foregoing is true and correct to the best of my knowledge, recollection and understanding.

17 Signed at Tacoma, WA.

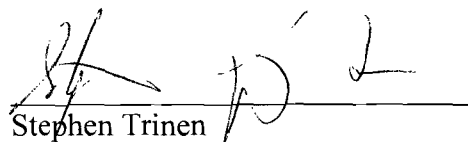
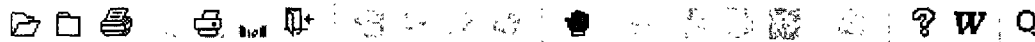
18
19
20
21 
22
23
24
25

Exhibit 1

Pierce County jail booking history for Robert Wilson, d.o.b. 05-16-1984

File Edit Data Window View Help



Person WILSON, ROBERT SHERMAN (525222)

04/08/10 08:35

2010098017



WILSON, ROBERT SHERMA

Booking Id: 2010098017

Dob: 05/16/1984

Level:

Cell: NIC

Person Cases Probation Officers Proceedings PSI's Bookings

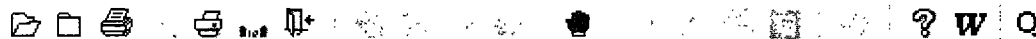
Booking Number	Person Name	Booking Date/Time	Release Date/Time	Cell
2010098017	WILSON, ROBERT SHERMAN	04/08/10 08:03	04/27/10 09:20	
2009002063	WILSON, ROBERT SHERMAN	01/02/09 20:04	01/05/10 08:30	
2005319041	WILSON, ROBERT SHERMAN	11/15/05 11:51	02/02/06 08:00	

Select

Exhibit 2

Pierce County jail booking history for Patrick Lamp, d.o.b. 04-09-1980

File Edit Data Window View Help



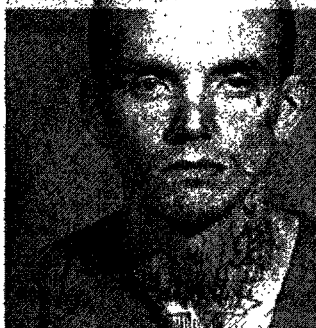
Person LAMP, PATRICK DWAYNE (112474)

01/13/09 01:35
2009013002

Person Cases Probation Officers Proceedings PSI's Bookings



Print Screen



Booking Number	Person Name	Booking Date/Time	Release Date/Time	Cell
2009013002	LAMP, PATRICK DWAYNE	01/13/09 01:04	02/02/10 08:15	
2006258047	LAMP, PATRICK DWAYNE	09/15/06 14:22	11/28/06 10:00	
99115015	LAMP, PATRICK DWAYNE	04/25/99 06:35	07/06/99 09:00	
99053039	RICHARDS, JAY JOHNSON	02/22/99 12:02	02/23/99 20:15	

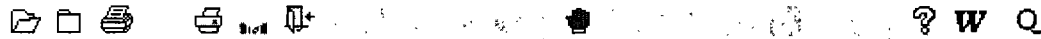
LAMP, PATRICK DWAYNE
Booking Id: 2009013002
Dob: 04/09/1980
Level:
Cell: NIC

Select

Exhibit 3

Pierce County jail booking history for Phillip Chase, d.o.b. 04-09-1980

File Edit Data Window View Help



Person CHASE, PHILLIP CHARLES (516882)

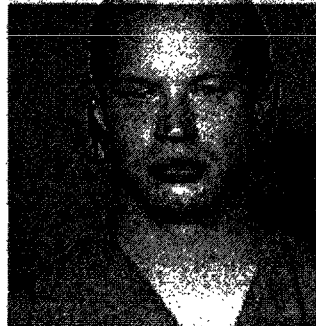
09/10/11 22:31

2011253052

Person Cases Probation Officers Proceedings PSI's Bookings



Print Screen



Booking Number	Person Name	Booking Date/Time	Release Date/Time	Cell
2011253052	CHASE, PHILLIP CHARLES	09/10/11 22:14	05/01/12 08:00	
2009002022	DIEZMAN CHASE, PHILLIP CHARLE	01/02/09 07:00	01/21/10 08:20	
2006290006	CHASE, PHILLIP CHARLES	10/16/08 00:46	10/16/08 09:30	
2008150048	CHASE, PHILLIP CHARLES	05/29/08 15:26	06/02/08 10:00	
2007137021	CHASE, PHILLIP CHARLES	05/17/07 04:20	07/26/07 08:00	
2007127069	DIEZMAN CHASE, PHILLIP CHARLE	05/07/07 22:35	05/07/07 23:30	
2007108076	CHASE, PHILLIP CHARLES	04/18/07 17:50	04/19/07 11:00	
2006223073	CHASE, PHILLIP CHARLES	08/11/06 19:45	09/14/06 08:00	
2006190027	CHASE, PHILLIP CHARLES	07/09/06 11:09	08/04/06 05:30	
2005272022	CHASE, PHILLIP CHARLES	09/29/05 07:02	04/15/06 06:00	
2004249034	DIEZMAN CHASE, PHILLIP CHARLE	09/05/04 18:24	03/05/05 06:00	
2000227011	CHASE, PHILLIP CHARLES	08/14/00 01:39	08/14/00 21:33	

CHASE, PHILLIP CHARLES

Booking Id: 2011253052

Dob: 10/16/1980

Level:

Cell: NIC

Select

Exhibit 4

Pierce County jail booking history for Richard Walsh, d.o.b. 11-28-1985

File Edit Data Window View Help



? W Q

Person WALSH, RICHARD JOHN (500660)

01/20/12 23:38

2012020036

Person Cases Probation Officers Proceedings PSI's Bookings

Booking Number	Person Name	Booking Date/Time	Release Date/Time	Cell
2012020036	WALSH, RICHARD JOHN	01/20/12 23:19	03/08/12 08:00	
2009030036	WALSH, RICHARD JOHN	01/30/09 13:57	05/28/09 09:00	
2008282082	WALSH, RICHARD JOHN	10/08/08 23:14	10/10/08 10:00	
2008242056	WALSH, RICHARD JOHN	08/29/08 17:14	09/03/08 19:05	
2007060013	WALSH, RICHARD JOHN	03/01/07 02:39	04/19/07 08:00	
2006345018	WALSH, RICHARD JOHN	12/11/06 05:40	01/26/07 08:30	
2006318062	WALSH, RICHARD JOHN	11/14/06 15:42	11/17/06 18:00	
2006163022	WALSH, RICHARD JOHN	06/12/06 10:56	07/08/06 05:30	
2006100008	WALSH, RICHARD JOHN	04/10/06 02:39	04/23/06 15:45	
2005176022	WALSH, RICHARD JOHN	06/25/05 04:32	10/11/05 05:00	
2004096052	WALSH, RICHARD JOHN	04/05/04 15:15	10/20/04 08:00	

Print Screen



WALSH, RICHARD JOHN

Booking Id: 2012020036

Dob: 11/28/1985

Level:

Cell: NIC

Select

11 rows retrieved.

Exhibit 5
Booking photo of Robert Wilson

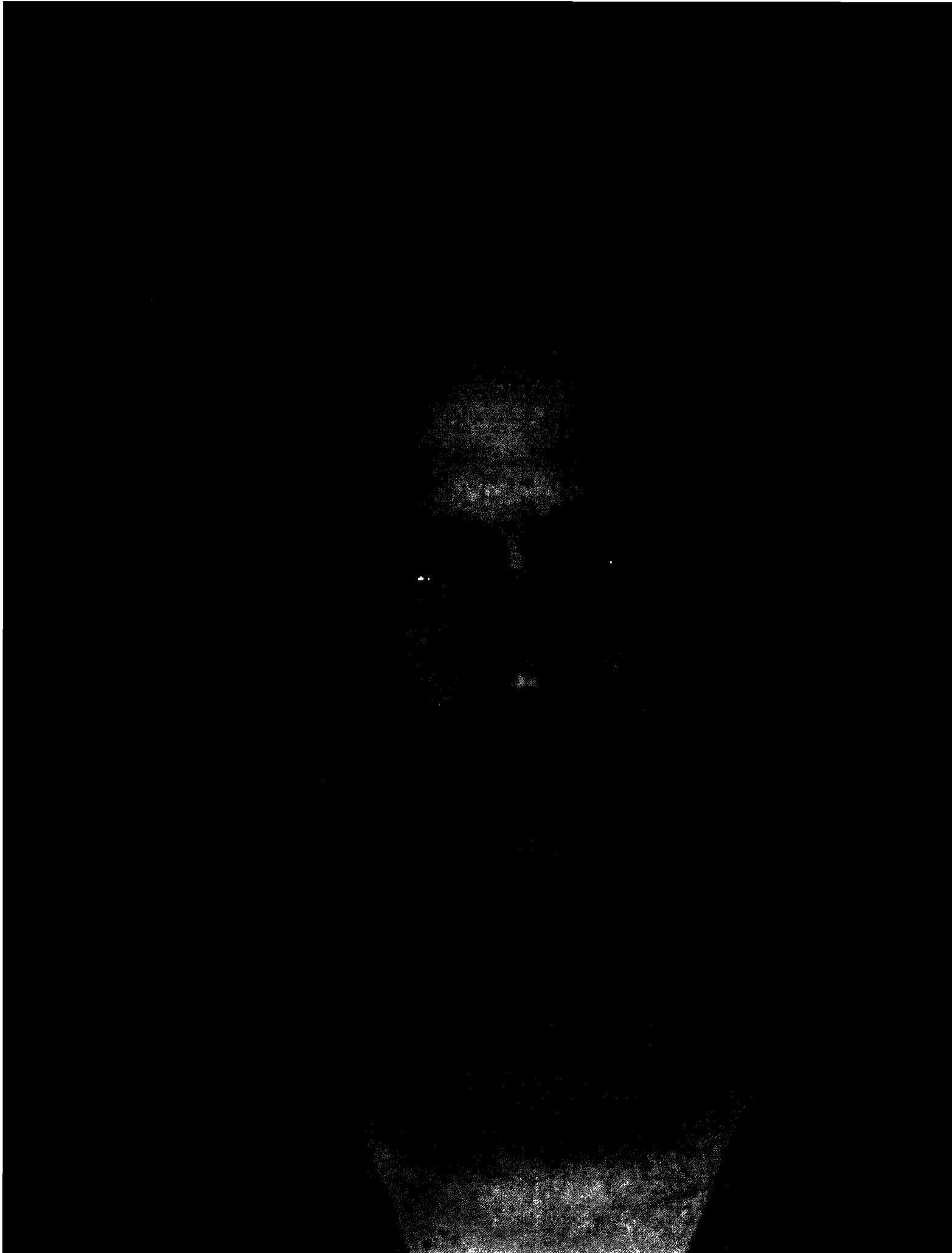
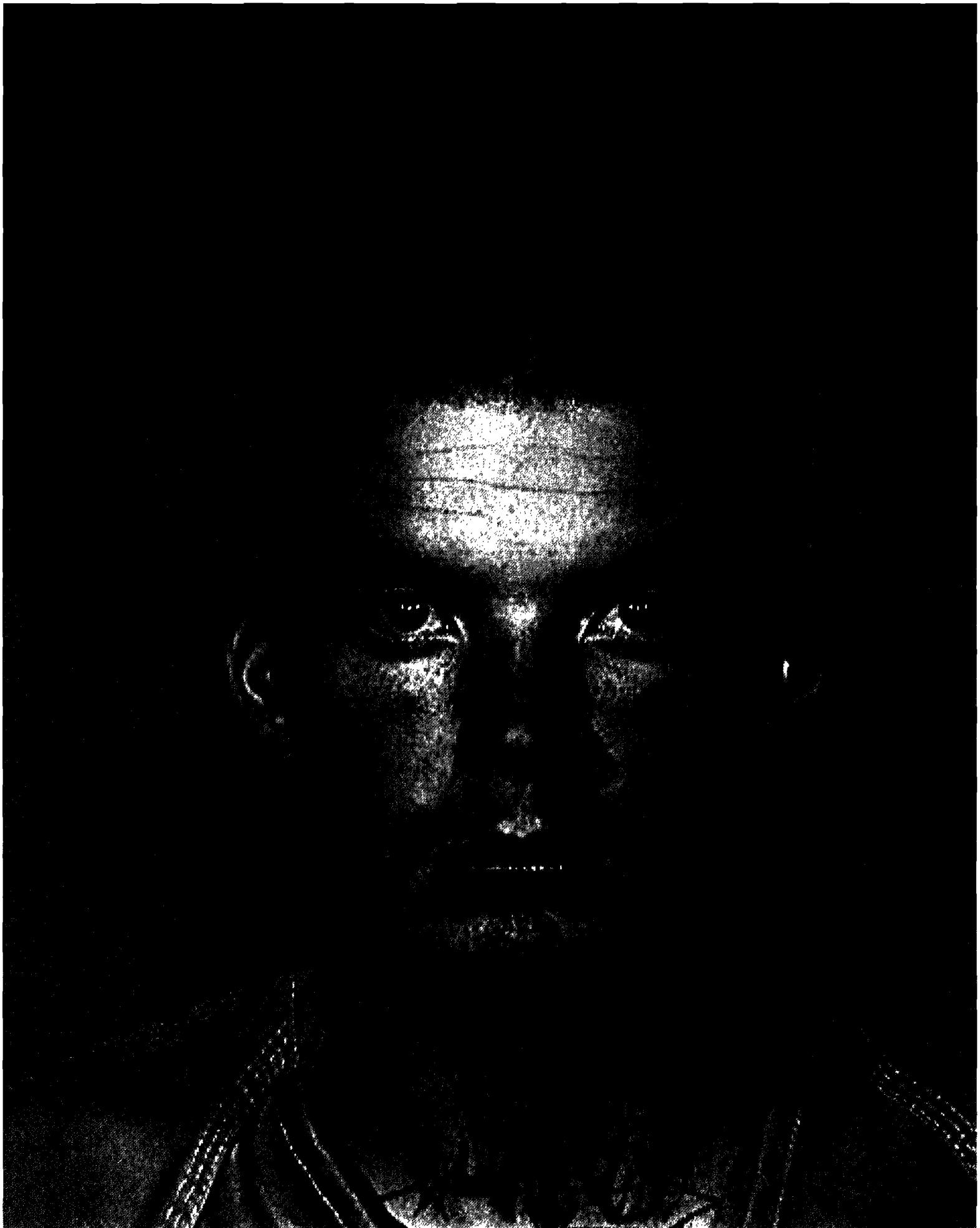


Exhibit 6
Booking Photo of Patrick Lamp taken on 01-13-2009



1-13-2009

Exhibit 7
Booking Photo of Patrick Lamp taken on 09-15-2006



9-15-2006

Exhibit 8

Primary police report from CA# 09-1-00780-4
Puyallup PD Incident No. 08010584.1

Puyallup Police Incident Report

Incident No. 08010584.1

Page 1 of 5

27

PDA:	Homeland Security:	Subject: Armed Robbery	Incident No. 08010584.1
IBR Disposition: Active	Forensics:	Case Management Disposition: Reporting By/Date: PPD264 - Temple, Dave 11/17/2008 3:20:00 PM	
Case Report Status: Approved		Reviewed By/Date: PPD215 - Eads, John 11/17/2008 10:54 PM	
<p>Related Cases:</p> <p>Case Report Number: _____ Agency: _____</p> <p>Non-Electronic Attachments</p> <p>Attachment Type: HWS - Handwritten Statement Form Additional Distribution: PPD - Detectives</p>			
<p>Location Address: 516 S Meridian Location Name: Turtle Bay Espresso</p> <p>City, State, Zip: Puyallup, WA 98371 Cross Street: _____</p> <p>Contact Location: _____ City, State, Zip: _____</p> <p>CB/Grid/RD: 9292 - Puydpd Grid District/Sector: PY_C1 - Puyallup - Central</p> <p>Occurred From: 11/17/2008 3:20:00 PM Monday Occurred To: _____</p> <p>Notes: _____</p>			<p>THIS INFORMATION IS RESTRICTED TO CRIMINAL JUSTICE AGENCIES. SECONDARY RELEASE IS RESTRICTED PURSUANT TO RCW 42.56 & 10.97. DOCUMENT PREPARED BY PUYALLUP POLICE DEPT. FOR <u>PPD</u> DATE <u>1/16/09</u> Count _____</p>

Offense Details: 1201 - Robbery - Business - Gun

Domestic Violence: No	Child Abuse: No	Gang Related: No	Juvenile: No
Completed: Completed	Crime Against: PR	Hate/Bias: None (No Bias)	
Criminal Activity: Coffee Shop	Type of Security: _____	Using: _____	Tools: _____
Location Type: _____	Evidence Collected: _____		
Total No. of Units Entered: _____			
Entry Method: _____			
Notes: _____			

Suspect S1: Suspect, Unknown

Verified: No

PDA:

Aliases: _____	DOB: _____	Age: 20	Sex: Male	Race: White	Ethnicity: Non-Hispanic
----------------	------------	----------------	------------------	--------------------	--------------------------------

Call Source: Dispatched	Assisted By: PPD215 - Eads, John PPD273 - Reiber, Greg PPD290 - Kearney, Robert PPD266 - Bourbon, Don PPD304 - Culp, Adam PPD303 - Delight, Mark PPD254 - Earick, William
Phone Report: No	Notified: _____
Insurance Letter: No	Entered By: PPD264 - Temple, Dave
Entered On: 11/17/2008 5:22:26 PM	Approved By: PPD15072 - House, Natasha
Approved On: 11/18/2008 8:42:36 AM	Exceptional Clearance: _____
Adult/ Juvenile Clearance: _____	Exceptional Clearance Date: _____
Additional Distribution: PPD - Detectives	Other Distribution: _____
Validation Processing: _____	Distribution Date: _____
Indexed Date: _____	By: _____
County Pros. Atty. _____	Juvenile Military _____
City Pros. Atty. _____	Other DSHS _____
Supervisor: 1	CPS PreTrial _____
<p>For Law Enforcement Use Only - No Secondary Dissemination Allowed</p> <p>Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.</p>	
<p>Printed: January 16, 2009 - 10:40 AM Printed By: House, Natasha</p>	

Puyallup Police Incident Report

Incident No 08010584.1

Page 2 of 5

Height: 6' 0"	Weight: 150	Hair Color: Brown	Eye Color:
Address:	County:	Country:	Phone:
City, State Zip:			Business Phone:
Other Address:			Other Phone:
Resident: Unknown	Occupation/Grade:		Employer/School:
SSN:	DOC No:		FBI No:
State ID:	Local CH No:		
Driver License No:	Driver License State:		Driver License Country:
Hair Length: Short	Glasses:		Facial Hair:
Hair Style:	Teeth:		Facial Shape:
Hair Type:	Speech:		Complexion:
Appearance: Casual	Right/Left Handed:		Facial Feature Oddities:
SMT: tattoos ove rboth eyelids			Distinctive Features:
Attire: grey sweatshirt, black pants, red gloves			Body Build: SLT - Slight
Gangs:			Tribe Affiliation:
Significant Trademarks:			Identifiers:
Suspect Pretended to Be:	Modus Operandi:		
Place of Birth:	Habitual Offender:		Custody Status:
Type of Injury:	Fire Dept Response:		Hospital Taken To:
Medical Release Obtained:	Taken By:		Attending Physician:
Hold Placed By:	Suspect Offense: 1201 - Robbery - Business - Gun		
Suspect Notes:			

Weapon 1: Firearm, Unk. Type

Offense: 1201 - Robbery - Business - Gun	Serial No:
Offender: S1 - Suspect, Unknown	OAN:
Weapon: Firearm, Unk. Type	Automatic:
Other Weapon:	Caliber:
Action:	Gauge:
Manufacturer:	Length:
Make:	Finish:
Importer:	Grips:
Model:	Stock:
Weapon Notes: Long Silver Handgun	

Victim V1: Fickess, Allyson Marie

PDA:

Aliases:	DOB: 7/5/1990	Age: 18	Sex: Female	Race: White	Ethnicity: Non-Hispanic
Height:	Weight:		Hair Color:		Eye Color:
Address: 2002 22nd Ave Se	County:		Country:		Phone: 253 840-8099
City, State Zip: Puyallup, WA 98372					Business Phone: 253 841-1868
Other Address:					Other Phone:
Resident: Full - Time Resident	Occupation/Grade: Barista				Employer/School: Turtle Bay Espresso
SSN:	Driver License State:				Place of Birth:
Driver License No:					Driver License Country:
Attire:					Complexion:
SMT:					Facial Hair:
Victim Of: 1201 - Robbery - Business - Gun					Facial Shape:
Victim Type: Individual	Circumstances:				Weapon Used: 1 - Firearm, Unk. Type
Injury: None	Testify: Yes				Reporting Statement Obtained: Yes

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Puyallup Police Incident Report

Incident No

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Type of Injury:	Fire Dept Response:	
Hospital Taken To:	Medical Release Obtained:	Taken By:
Attending Physician:	Hold Placed By:	

Victim Offender Relationships

Offender: **S1 - Suspect, Unknown** Relationship: **Relationship Unknown**

Law Enforcement Officer Killed or Assaulted Information	Type: Assignment: Activity:	Justifiable Homicide Circumstances:
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Victim Notes:

Other Entity 01: [E] Turtle Bay Espresso

PDA:

Aliases:	Age:	Sex:	Race:	Ethnicity: Non-Hispanic
DOB:	Weight:	Hair Color:		Eye Color:
Height:		Country:		Phone:
Address: 516 S Meridian	County:		Business Phone: 253 841-1868	
City, State Zip: Puyallup, WA 98371	Country:		Other Phone:	
Other Address:	Occupation/Grade:		Employer/School:	
Resident:			Place Of Birth:	
SSN:	Driver License State:		Driver License Country:	
Driver License No:			Complexion:	
Attire:			Facial Hair:	
SMT:			Facial Shape:	
Entity Type: Other Entity (Business, Institution, etc.)	Reporting Statement Obtained:			
Entity Notes:				

Property Item No. 1/1: 2102 - Money - Currency / Bills - Miscellaneous / Assorted

Other Common Item:	Photographed:	
Description: 115.00	Fingerprinted:	
Quantity: 1	Contents Sampled:	
Finding Location:	Owner: V1 - Fickess, Allyson Marie	
Status: S - Stolen/Etc. (Bribed/Defrauded/Embezzled/Ransomed, etc., includes Identity Theft)	Value: 115	
Recovered Date:	Make/Brand:	
Recovered Value:	Model:	
Field Tested:	Serial No:	
Field Test Results:	OAN:	
Property Disposition:	Insurance Company:	
Disposition Location:	Policy No:	
Vehicle Information:	Locked:	
License:	Keys in Vehicle:	
License State:	Delinquent Payment:	
License Country:	Victim Consent:	
Vehicle Year:		

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Puyallup Police Incident Report

Incident No

08010584.1

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Make:	Driveable:
Model:	Estimated Damage:
Vehicle Style:	Damage:
Primary Vehicle Color:	Damaged Area:
Secondary Vehicle Color:	Tow Company:
VIN:	Tow Consent:
Special Features:	Hold Requested By:
Drug Information:	
Drug Type:	Drug Measure:
Drug Quantity:	Drug Measure Type:
Jewelry Information:	
Metal Color:	Total # of Stones:
Metal Type:	Inscription:
Stone Color:	Generally Worn By:
Firearm Information:	
Caliber:	Length:
Gauge:	Finish:
Action:	Grips:
Importer:	Stock:
Property Notes: 4-\$10 10-\$5 25-\$1	

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Investigative Information

Means:	Suspect targeted cash register/money box Takes from open business w/o paying Between 0600 and 1800 hours	Motive:	To satisfy personal need or desire Done for personal gain (e.g., financial) To injure the victim
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:

Narrative:	<p>At 1520hrs Puyallup OD units were dispatched to an armed robbery that occurred at the Turtle Bay Espresso located near the 76 Station at 516 S Meridian. The suspect was seen wearing a grey sweatshirt, black pants, and red gloves and had distinctive tattoos over his eye lids. The suspect was last seen walking west on 5th Ave SW from the espresso stand. The suspect displayed a handgun during the commission of the crime.</p> <p>Puyallup PD units arrived in the area and attempted to locate and set up K-9 containment. At the time of the call there was heavy pedestrian and vehicle traffic in the area and a local elementary school and just been dismissed. I contacted the (V) Allyson Marie FICKESS at the espresso stand.</p> <p>I was informed of the following: The suspect had walked up to the espresso stand and asked for a drink. The suspect then displayed a handgun and told (V) to give him all the money. The (V) was on the phone with her boyfriend when the suspect approached the window. The suspect told (V) "Put the fucking phone down and give me all the fucking money" The suspect had pointed the handgun which was a large silver handgun at (V) and she handed over the money (approx \$115.00) she had. The suspect then left walking at brisk pace west behind the espresso stand.</p> <p>(V) described the suspect as a white male in his 20's, approx 6-00 ft tall, brown hair, clean shaven, skinny</p>
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Puyallup Police Incident Report

Incident Number 08010584.1

build, with distinctive tattoos over both eyelids. The suspect spoke in an English language wearing a grey pull over hoody with a pocket in the front. The suspect was wearing black pants and had on red athletic type gloves. The suspect did not touch any part of the stand except for the outside counter with his gloves.

The (V) said the suspect had been walking around the parking lot of the 76 gas station before he contacted her at the stand. The suspect had been fidgeting with his hands in the sweatshirt. The (V) said she has been working at the espresso stand for approx 2 years and has never seen the suspect in the downtown area.

Detective Pihl contacted the 76 station and discovered there is no video surveillance outside the pump area. There is no video surveillance inside the espresso stand either. Puyallup PD K-9 Officer Bourbon arrived on scene and a track was started. The track went west on 5th Ave SW to 3rd ST SW then north on 3rd ST SW. The track ended in the area of 3rd ST SW and 4th Ave SW. PPD units checked the Puyallup Library and surrounding areas and the suspect was unable to be located. I had City Comm. dispatch advise Pierce Transit and give description of suspect in the hopes that he might have boarded a bus.

I contacted the Puyallup Jail and attempted to locate similar suspect information through the LESA Global and MUGUS system with negative results at this time. A handwritten statement form is attached to this report. This report forwarded to Puyallup detectives for further follow-up.

Reviewed By:

Reviewed Date:

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Exhibit 9

Primary police report from CA# 09-1-00134-2
Pierce County Sheriff's Incident No. 090030812.1

Pierce County Sheriff Department Incident Report

Incident No. 090030812.1

Page 1 of 8

PDA:	Homeland Security:	Subject: Armed Robbery	Incident No. 090030812.1	
IBR Disposition:	Active	Case Management Disposition:		
Forensics:	None Required	Reporting By/Date:		99-073 - Clark, Erik 1/3/2009 17:09:00
Case Report Status:	Approved	Reviewed By/Date:		94-031 - Premo, Gregory 1/4/2009 02:12:00

Related Cases:

Case Report Number
08-366-0932
08-366-0986

Agency
TACSO
TACPD

Non-Electronic Attachments

Attachment Type

Additional Distribution

Count

Location Address:	10004 Pacific Av S	Location Name:	Java Girls
City, State, Zip:	Tacoma, WA 98444	Cross Street:	
Contact Location:		City, State, Zip:	
CB/Grid/RD:	538 - PARKLAND	District/Sector:	PC02 - Pierce County (East Patrol)
Occurred From:	1/3/2009 16:59:00 Saturday	Occurred To:	
Notes:			

Offense Details: 1201 - Robbery - Business - Gun

Domestic Violence:	No	Child Abuse:	No	Gang Related:	No	Juvenile:	No
Completed:	Completed	Crime Against:	PR	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:		Tools:			
Location Type:	Coffee Shop	Evidence Collected:	Video/Surveillance Tape				
Total No. of Units Entered:							
Entry Method:							
Notes:							

Suspect S1: Suspect, Unknown

Verified: No

PDA:

Aliases:								
DOB:	Age:	25	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic
Height:	Weight:		Hair Color:		Eye Color:		Phone:	
Address:	County:		Country:		Business Phone:		Other Phone:	
City, State Zip:	Occupation/Grade:		Employer/School:		FBI No:			
Other Address:	DOC No:		Local CH No:					
Resident:	Unknown							
SSN:								
State ID:								

Call Source:	Dispatched	Assisted By:	
Phone Report:	No	Notified:	
Insurance Letter:		Entered By:	99-073 - Clark, Erik
Entered On:	1/3/2009 19:35:57	Approved By:	E204441 - Vaughn, Rebecca
Approved On:	1/4/2009 02:44:11	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:	PCSD - Detectives	Other Distribution:	
Validation Processing	Distribution Date:	By:	County Pros. Atty.
	Indexed Date:	By:	Juvenile Military
			Other DSHS
			CPS PreTrial
			Supervisor:

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Pierce County Sheriff Department Incident Report

Incident No. 090030812.1

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Driver License No:	Driver License State:	Driver License Country:
Hair Length: Bald	Glasses: Sun Glasses	Facial Hair:
Hair Style: Military/Shaved	Teeth:	Facial Shape:
Hair Type:	Speech:	Complexion:
Appearance:	Right/Left Handed:	Facial Feature Oddities:
SMT: Tattoo of "666" on the back of head. Multiple other tattoos on head.		Distinctive Features:
Attire: Black Jacket with large fur lined hood. Sunglasses.		Body Build:
Gangs:		Tribe Affiliation:
Significant Trademarks:		Identifiers:
Suspect Pretended to Be:	Modus Operandi:	
Place of Birth:	Habitual Offender:	Custody Status:
Type of Injury:	Fire Dept Response Taken By:	Hospital Taken To:
Medical Release Obtained:		Attending Physician:
Hold Placed By:	Suspect Offense: 1201 - Robbery - Business - Gun	
Suspect Notes:		

Suspect S2: Suspect, Unknown

Verified: No

PDA:

Aliases:	Age: 25	Sex: Male	Race: White	Ethnicity: Non-Hispanic
DOB:	Weight:	Hair Color:		Eye Color:
Height:				
Address:	County:		Phone:	
City, State Zip:	Country:		Business Phone:	
Other Address:			Other Phone:	
Resident: Unknown	Occupation/Grade:		Employer/School:	
SSN:	DOC No:		FBI No:	
State ID:	Local CH No:			
Driver License No:	Driver License State:		Driver License Country:	
Hair Length:	Glasses:		Facial Hair:	
Hair Style:	Teeth:		Facial Shape:	
Hair Type:	Speech:		Complexion:	
Appearance:	Right/Left Handed:		Facial Feature Oddities:	
SMT:			Distinctive Features:	
Attire: Large black jacket with fur lined hood.			Body Build:	
Gangs:			Tribe Affiliation:	
Significant Trademarks:			Identifiers:	
Suspect Pretended to Be:	Modus Operandi:			
Place of Birth:	Habitual Offender:		Custody Status:	
Type of Injury:	Fire Dept Response Taken By:		Hospital Taken To:	
Medical Release Obtained:			Attending Physician:	
Hold Placed By:	Suspect Offense: 1201 - Robbery - Business - Gun			
Suspect Notes:				

Weapon 1: Semi-Automatic Pistol

Offense: 1201 - Robbery - Business - Gun	Serial No:
Offender: S1 - Suspect, Unknown	OAN:
Weapon: Semi-Automatic Pistol	Automatic:
Other Weapon:	Caliber:

Pierce County Sheriff Department Incident Report

Incident No. 090030812.1

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Action: Semi-Automatic action (autoloading)	Gauge:
Manufacturer:	Length:
Make:	Finish: Silver
Importer:	Grips:
Model:	Stock:
Weapon Notes:	

Victim V1: Ross, Kiley R

PDA:

Aliases:	DOB: 12/21/1989	Age: 19	Sex: Female	Race: White	Ethnicity: Non-Hispanic
Height: 5' 1"	Weight: 115	Hair Color: Brown	Eye Color: Blue	Phone: 253-886-7936	
Address: 23240 88 Ave S #W-302	County:	Business Phone: 253-536-0900			
City, State Zip: Kent, WA 98031	Country:	Other Phone:			
Other Address:	Resident: Full - Time Resident	Occupation/Grade: Barista	Employer/School: Java Girls		
SSN:	Driver License No:	Driver License State:	Place of Birth:		
Attire:			Complexion:		
SMT:			Facial Hair:		
Victim Of: 1201 - Robbery - Business - Gun			Facial Shape:		
Victim Type: Individual	Circumstances:	Weapon Used: 1 - Semi-Automatic Pistol			
Injury: None	Testify: Yes	Reporting Statement Obtained:			
Type of Injury:	Medical Release Obtained:	Fire Dept Response:			
Hospital Taken To:	Hold Placed By:	Taken By:			
Attending Physician:					

Victim Offender Relationships

Offender:	Relationship:
S1 - Suspect, Unknown	Victim Was Stranger
S2 - Suspect, Unknown	Victim Was Stranger

Law Enforcement Officer Killed or Assaulted Information	Type:	Justifiable Homicide Circumstances:
Assignment:		
Activity:		

Victim Notes:

Victim V2: [E] Java Girls

PDA:

Aliases:	DOB:	Age:	Sex:	Race:	Ethnicity:
Height:	Weight:	Hair Color:	Eye Color:	Phone:	
Address: 10004 Pacific Av S	County:	Business Phone: 253-536-0900			
City, State Zip: Tacoma, WA 98444	Country:	Other Phone:			
Other Address:	Resident:	Occupation/Grade:	Employer/School:		
SSN:	Driver License No:	Driver License State:	Place of Birth:		
			Driver License Country:		

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Pierce County Sheriff Department Incident Report

Incident No. 090030812.1

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Attire:				Complexion:	
SMT:				Facial Hair:	
Victim Of:	1201 - Robbery - Business - Gun			Facial Shape:	
Victim Type:	Business	Circumstances:		Weapon Used:	1 - Semi-Automatic Pistol
Injury:		Testify:		Reporting Statement Obtained:	
Type of Injury:		Medical Release Obtained:		Fire Dept Response:	
Hospital Taken To:		Hold Placed By:		Taken By:	
Attending Physician:					

Victim Offender Relationships

Offender:	Relationship:
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Law Enforcement Officer Killed or Assaulted Information	Type: Assignment: Activity:	Justifiable Homicide Circumstances:
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Victim Notes:

Witness W1: Mc Daniel, Steven D

PDA:

Aliases:				DOB:	2/23/1965	Age:	43	Sex:	Male	Race:	White	Ethnicity:	Non-Hispanic Brown
Height:	5' 10"	Weight:	200	Hair Color:	Brown	Eye Color:		Phone:	425-351-0173				
Address:	1018 U St Nw			County:		Business Phone:		Other Phone:					
City, State Zip:	Auburn, WA 98001			Country:		Employer/School:	Java Girls	Place Of Birth:					
Other Address:				Occupation/Grade:	Owner	Driver License State:		Complexion:					
Resident:	Full - Time Resident			Driver License No:		Facial Hair:		Facial Shape:					
SSN:				Attire:									
SMT:				Testify:	Yes								
Witness Notes:													

Property Item No. 1/1: 3501 - Vehicle - Automobile / Car (Not Stolen Or Recovered)

Other Common Item:				Photographed:	
Description:	Black 4-Dr Sedan			Fingerprinted:	
Quantity:	1			Contents Sampled:	
Finding Location:				Owner:	S1 - Suspect, Unknown
Status:	I - Information Only			Value:	
Recovered Date:				Make/Brand:	
Recovered Value:				Model:	
Field Tested:				Serial No:	
Field Test Results:				OAN:	
Property Disposition:				Insurance Company:	
Disposition Location:				Policy No:	
Vehicle Information:					

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Pierce County Sheriff Department Incident Report

Incident No. 090030812.1

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License:		Locked:	
License State:		Keys in Vehicle:	
License Country:	USA	Delinquent Payment:	
Vehicle Year:	1995	Victim Consent:	
Make:	Buick	Drivable:	
Model:		Estimated Damage:	
Vehicle Style:	4 Door Automobile, sedan	Damage:	
Primary Vehicle Color:	Black	Damaged Area:	
Secondary Vehicle Color:		Tow Company:	
VIN:		Tow Consent:	
Special Features:	L/R wheel is black steel	Hold Requested By:	
Drug Information:			
Drug Type:		Drug Measure:	
Drug Quantity:		Drug Measure Type:	
Jewelry Information:			
Metal Color:		Total # of Stones:	
Metal Type:		Inscription:	
Stone Color:		Generally Worn By:	
Firearm Information:			
Caliber:		Length:	
Gauge:		Finish:	
Action:		Grips:	
Importer:		Stock:	
Property Notes:			

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Property Item No. 2/2: 2102 - Money - Currency / Bills - Miscellaneous / Assorted

Other Common Item:		Photographed:	
Description:	Approximately \$600	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	V2 - Java Girls
Status:	S - Stolen/Etc. (Bribed/Defrauded/Embezzled/Ransomed, etc., includes Identity Theft)	Value:	600
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	
Field Test Results:		OAN:	
Property Disposition:		Insurance Company:	
Disposition Location:		Policy No:	
Vehicle Information:			
License:		Locked:	
License State:		Keys in Vehicle:	
License Country:		Delinquent Payment:	
Vehicle Year:		Victim Consent:	
Make:		Drivable:	
Model:		Estimated Damage:	
Vehicle Style:		Damage:	
Primary Vehicle Color:		Damaged Area:	
Secondary Vehicle Color:		Tow Company:	

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VIN:	Tow Consent:
Special Features:	Hold Requested By:
Drug Information:	
Drug Type:	Drug Measure:
Drug Quantity:	Drug Measure Type:
Jewelry Information:	
Metal Color:	Total # of Stones:
Metal Type:	Inscription:
Stone Color:	Generally Worn By:
Firearm Information:	
Caliber:	Length:
Gauge:	Finish:
Action:	Grips:
Importer:	Stock:
Property Notes:	

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Property Item No. 3/3: 9921 - Recording - Surveillance Tape

Other Common Item:	Photographed:
Description: CD Containing Surveillance Footage	Fingerprinted:
Quantity: 1	Contents Sampled:
Finding Location:	Owner: V2 - Java Girls
Status: E - Evidence (Including Other Seized Property And Tools)	Value:
Recovered Date:	Make/Brand:
Recovered Value:	Model:
Field Tested:	Serial No:
Field Test Results:	OAN:
Property Disposition: Booked into Property	Insurance Company:
Disposition Location: South Hill Precinct	Policy No:
Vehicle Information:	Locked:
License:	Keys in Vehicle:
License State:	Delinquent Payment:
License Country:	Victim Consent:
Vehicle Year:	Drivable:
Make:	Estimated Damage:
Model:	Damage:
Vehicle Style:	Damaged Area:
Primary Vehicle Color:	Tow Company:
Secondary Vehicle Color:	Tow Consent:
VIN:	Hold Requested By:
Special Features:	
Drug Information:	
Drug Type:	Drug Measure:
Drug Quantity:	Drug Measure Type:
Jewelry Information:	
Metal Color:	Total # of Stones:
Metal Type:	Inscription:
Stone Color:	Generally Worn By:
Firearm Information:	

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**Pierce County Sheriff Department
Incident Report**

Incident No. 090030812.1

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Caliber:

Gauge:

Action:

Importer:

Length:

Finish:

Grips:

Stock:

Property Notes:

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified				Operators Name

Investigative Information

Means:

Motive: **Done for personal gain (e.g., financial)**

Vehicle Activity: **Suspects Driving**

Direction Vehicle Traveling: **North**

Synopsis:

The listed drive up coffee stand was robbed at gunpoint. The suspects were 2 W/M's in their 20's. They were driving a black mid 90's 4-dr sedan. The vehicle looked similar to a Buick.

Narrative:

On 1-3-09 at 1709Hrs, I contacted Victim (Kiley Ross) at her place of business, VB (Java Girls) regarding an armed robbery. Java Girls is a drive up coffee stand located at 10004 Pacific Ave S. Kiley told me she was robbed at gunpoint by 2 W/M's. She said the suspects fled in a mid 90's black 4-dr sedan. I immediately provided assisting units with the suspect's descriptions and a description of the vehicle they were driving.

Kiley told me at approximately 1659Hrs, the listed black sedan pulled up to her East service window. The vehicle first pulled past her window and had to back up and pull back forward again. Kiley said the driver was a W/M in his mid 20's. She said the driver ordered 1 large mocha frappe and 1 large coffee frappe. Kiley told me she started making their drinks and asked the driver how his New Year's went. She said the driver mumbled something about going to a cabin near Mt. Rainier.

Kiley said she became suspicious of the driver because he would not turn his head to look at her. She said he was holding his arm up so it was covering his face. Kiley asked the driver if he wanted whipped cream on the drinks and set the drinks down on the side counter. As she was adding whipped cream to the drinks, she saw the driver reach down toward the passenger side floorboard. She said he sat up and placed sunglasses on his face. Kiley told him the total was \$8.98 and started to hand the drinks to the driver. She said the driver then pointed a silver handgun directly at her and said, "Give me all the money....all of it!" Kiley said she was very scared because she thought he was going to shoot her.

Kiley turned to the cash register located on the West side of the stand. The driver then yelled again, "All of it." Kiley said she pressed the panic button for the alarm and asked the driver if he wanted the change. The driver again responded, "All of it." Kiley said she grabbed all the money and turned back to the window. She said the driver was now out of the car and reached into the window to grab the cash from her hands.

Kiley said the driver returned to his vehicle and fled the area. Kiley did not see what direction the vehicle left once it drove away from the stand because she went to hide in the back of the stand. Kiley's boss originally called 911 to report the incident as he was watching the stand from home via a live video feed.

Kiley described the driver with the handgun as a W/M in his mid 20's. She said his head was shaved and he had multiple tattoos all over his head/neck area. Kiley said she saw 1 large tattoo of "666" on the back of his head. Kiley said he also had a small "tear" tattoo near his left eye. She said he was wearing a large black coat with a large fur lined hood. She said he was also wearing gloves.

Kiley did not get a very good look at the front seat passenger but also described him as a W/M in his mid 20's wearing the same coat/hood as the driver.

Kiley ran the till and discovered the Suspect had gotten approximately \$600 in cash. Kiley called the owner of the stand, Witness (Steven McDaniel) on the phone so he could walk us through using the in-store surveillance system. McDaniel said he was enroute to the store from his home in Auburn.

I looked at the surveillance footage and saw the vehicle approach the stand at 1659Hrs. The stand is equipped with several different security cameras. Unfortunately, the outside cameras were not functioning so the only views available are from cameras located inside the stand. I could see the vehicle did have a front license plate but the image was too blurry to read the letters and numbers. The vehicle was a large black 4-dr sedan. It looked to me like a Buick. There was chrome trim around the windows. The left front wheel was an aluminum 5 star design. The left rear wheel was a black steel wheel. The driver, Suspect 1 was as Kiley described him. He was a W/M who looked to be in his mid 20's. He was wearing a large black coat with a large fur lined hood. He had the hood pulled up around his head when he exited the vehicle to take the cash.

When McDaniel got to the business, he burned me a CD containing the surveillance footage from 3 different cameras. One of the cameras has good footage of the vehicle, one camera has good footage of the suspect, and the final camera records audio from inside the stand. McDaniel copied footage from several minutes prior to and after the incident. I booked this CD into property at the South Hill Precinct.

McDaniel told me he had called several media sources and informed them of the robbery. He told me his stand was the victim of a past burglary, a vandalism, and an indecent exposure earlier today reference (09-003-0625). I called LESA Radio and had them advise PIO Troyer #20 of the incident and that the media was enroute to the business.

I am aware of 2 other recent armed robberies in which the suspect was wearing a large coat with a fur lined hood. These incident numbers have been listed above and reference PCSD Case #08-366-0932 and TPD Case #08-366-0986.

When I put the description of the suspect out over the radio, a police officer from the city of Roy, WA said he was familiar with a subject having the same "666" tattoo on his head/neck area. Officer D. Rozier #R-4 had stopped this subject during a traffic emphasis in the 3000 block of S. Meridian Ave in Puyallup, WA. The traffic stop was made earlier today (1-3-09) at 0854hrs. Officer Rozier said the subject he stopped was named (Gilbert M. Aguilar 9-10-67). Aguilar was driving a white van bearing California license plate (NMJ-931). Officer Rozier said Aguilar told him he was from California and was currently headed to Alaska. Aguilar did not have a local address. It is unknown if Aguilar was related to the robbery as his DOB puts him at 41yoa and Kiley was certain the Suspect was in his 20's. I was unable to find a local booking photo of Aguilar in the LESA Records system to show Kiley. I attempted to contact Officer Rozier after I had received a more detailed description of the suspect from Kiley but he had already gone home for the day.

I entered information on the Robbery into the Electronic Turnout system so the suspect's description could be passed along to other law enforcement officers. I provided Kiley and McDaniel with my contact information and this incident number.

Nothing Further

Reviewed By:

Reviewed Date:

8

Exhibit 10

Photo Montage containing image of Robert Wilson from CA# 09-1-00181-4

Copy.



PIERCE COUNTY SHERIFF'S DEPARTMENT

PHOTOGRAPHIC LINE UP ADMONISHMENT

CASE NUMBER # 083500698 CRIME: Robbery

WITNESS / VICTIM INFORMATION

NAME: Alysha Chandler DOB: 7/20/88
ADDRESS: 1807 286TH St E, Spanaway, WA 98387
HOME PHONE # 253-381-8210 WORK PHONE # 253-847-7924

ADMONISHMENT

You are about to view a group of photographs for the purpose of identifying a suspect/person of interest in a crime. The fact that the photographs are shown to you should not influence your judgment. This group of photographs may or may not include a photograph of the person who committed this crime, therefore, you should not conclude or guess. You are not obligated to identify anyone.

Keep in mind that a photograph may or may not depict the current appearance of the person who committed the crime since people can change their appearance in numerous ways. Also, photographs do not always show the true complexion of a person who could be lighter or darker than shown. Finally, please do not discuss this case with other witnesses in any way that you have or have not identified anyone.

I HAVE FULLY READ AND UNDERSTAND THE ABOVE STATEMENT.

A. Chandler
SIGNATURE

LINE UP AND STATEMENT

I have just viewed a photographic line up consisting of 6 photographs.

I cannot identify any of the persons in the photographs (Initials)

I have identified the person in photograph position:

Top Left X Top Center Top Right
Bottom Left Bottom Center Bottom Right

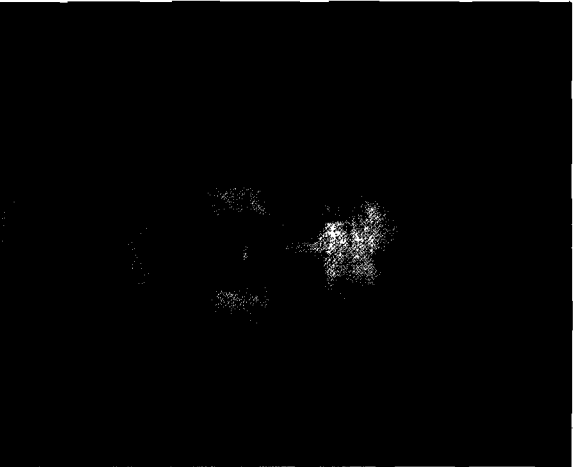
NARRATIVE:

SIGNATURE: A. Chandler

DATE: 1/7/09

OFFICER/DETECTIVE: A. Filing
SIGNATURE / UNIT # [Signature] 399

DATE: 1/7/09
TIME: 1350



1



2



3



4



5



6

Copy

Eastville Detachment D-10

Lineup ID: 33537

07 Jan 2009



1

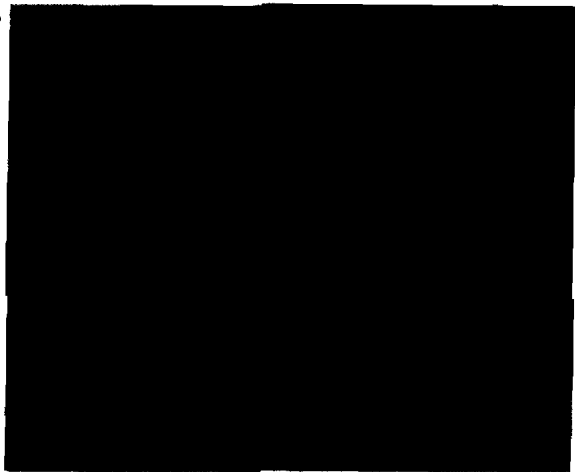


2

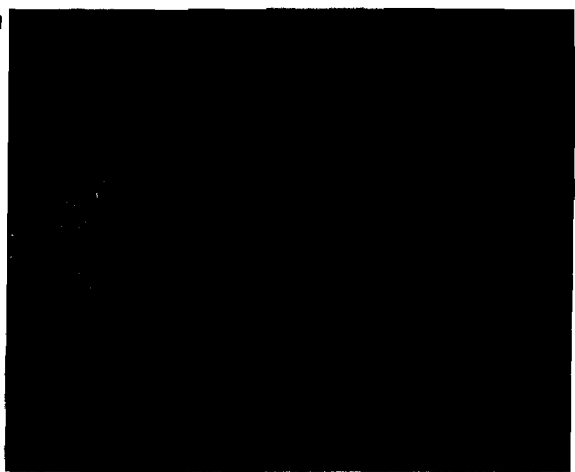
A. Gann



3



4



5



6

FOR OFFICIAL USE ONLY

Eatonsville Detachment D-10

Lineup ID: 33537

06 Jan 2009



1 2008315017 HUGHES, TAREN



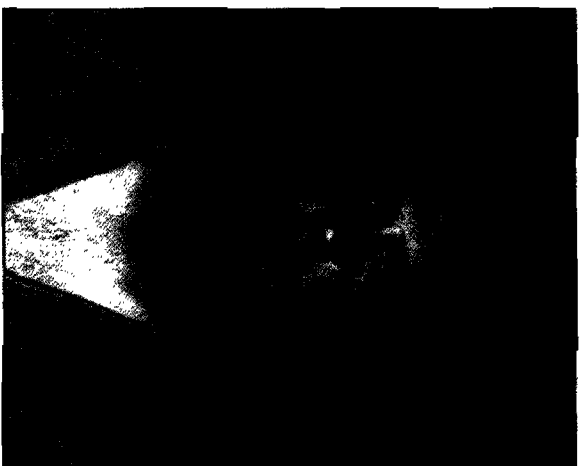
2 2009002063 WILSON, ROBERT



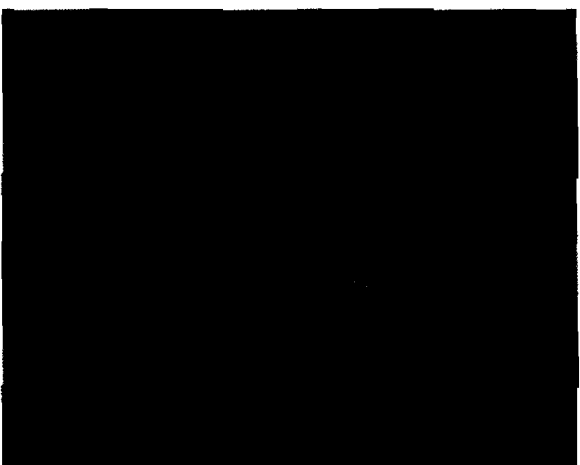
3 2008184044 KOVTOUN, PAVEL



4 2008321018 HENSLEY, MICHAEL



5 2008198010 MCCLELLAND, MICHAEL



6 2008172006 FLANNIGAN, DENNIS

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Exhibit 11

Three color digital evidence photos of the pants with the distinctive pocket decoration
that Wilson was wearing when arrested





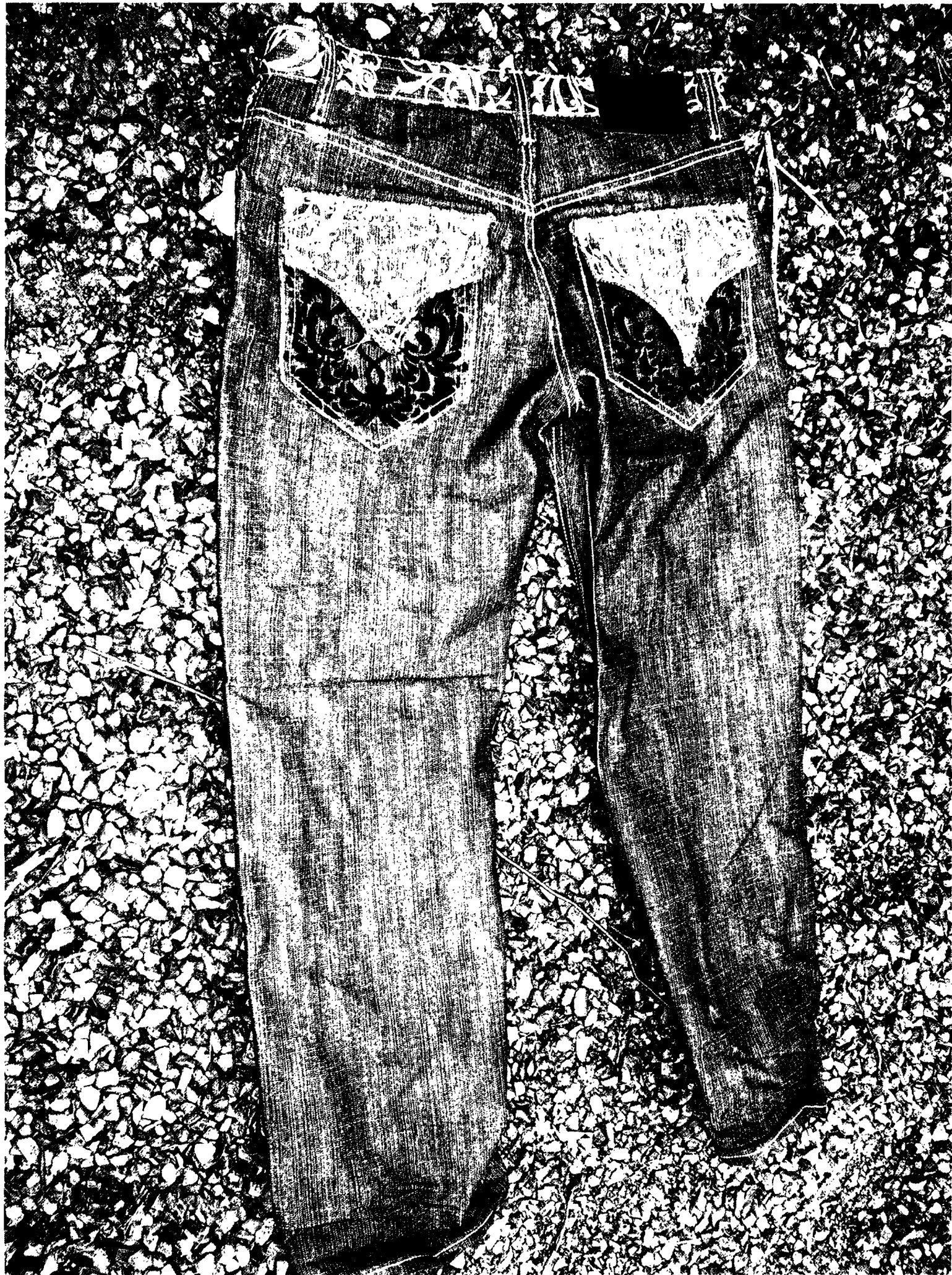


Exhibit 12

A copy of the compact disk containing the digital surveillance video files from the
December 15, 2008 robbery of Java 2 Go

Exhibit 13
Historic weather data from 12-15-2008 for Puyallup, WA

To investors who want to retire comfortably.

If you have a \$500,000 portfolio, download the guide by *Forbes* columnist and money manager Ken Fisher's firm. It's called "The 15-Minute Retirement Plan." Even if you have something else in place right now, it *still* makes sense to request your guide! [Click Here to Download Your Guide!](#)

FISHER INVESTMENTS

History for Puyallup, WA

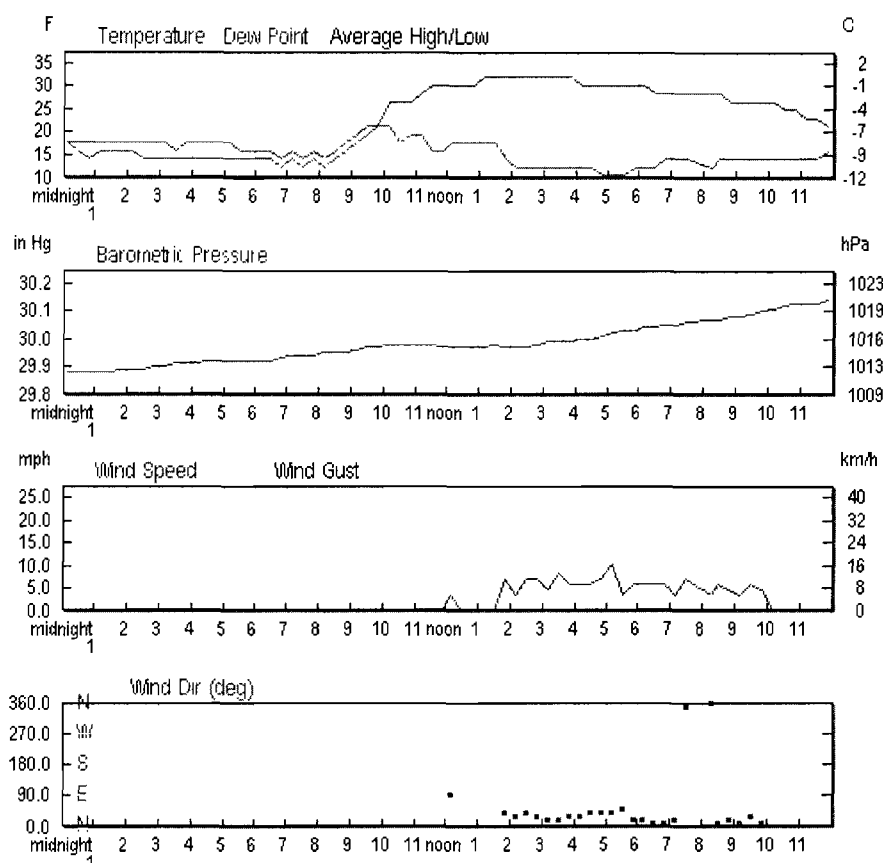
Monday, December 15, 2008

Daily Summary

	Actual:	Average (KTCM):	Record (KTCM):
Temperature:			
Mean Temperature	23 °F	-	
Max Temperature	32 °F	44 °F	61 °F (1976)
Min Temperature	14 °F	32 °F	19 °F (1967)
Degree Days:			
Heating Degree Days	42		
Moisture:			
Dew Point	15 °F		
Average Humidity	73		
Maximum Humidity	100		
Minimum Humidity	44		
Precipitation:			
Precipitation	0.00 in	-	- ()
Sea Level Pressure:			
Sea Level Pressure	29.96 in		
Wind:			
Wind Speed	1 mph (NNE)		
Max Wind Speed	10 mph		
Max Gust Speed	17 mph		
Visibility	10 miles		
Events			

Averages and records for this station are not official NWS values.

[Click here for data from the nearest station with official NWS data \(KSEA\).](#)**T** = Trace of Precipitation, **MM** = Missing Value**Source:** NWS Daily Summary[Seasonal Weather Averages](#)



Hourly Observations

Time (PST):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
12:10 AM	17.6 °F	17.6 °F	100%	29.88 in	10.0 miles	Calm	Calm	-	N/A		Partly Cloudy
12:30 AM	17.6 °F	15.8 °F	93%	29.88 in	10.0 miles	Calm	Calm	-	N/A		Partly Cloudy
12:50 AM	17.6 °F	14.0 °F	86%	29.88 in	10.0 miles	Calm	Calm	-	N/A		Clear
1:10 AM	17.6 °F	15.8 °F	93%	29.88 in	10.0 miles	Calm	Calm	-	N/A		Clear
1:30 AM	17.6 °F	15.8 °F	93%	29.88 in	10.0 miles	Calm	Calm	-	N/A		Partly Cloudy
1:50 AM	17.6 °F	15.8 °F	93%	29.89 in	10.0 miles	Calm	Calm	-	N/A		Clear
2:10 AM	17.6 °F	15.8 °F	93%	29.89 in	10.0 miles	Calm	Calm	-	N/A		Clear
2:30 AM	17.6 °F	14.0 °F	86%	29.89 in	10.0 miles	Calm	Calm	-	N/A		Clear
2:50 AM	17.6 °F	14.0 °F	86%	29.90 in	10.0 miles	Calm	Calm	-	N/A		Clear
3:10 AM	17.6 °F	14.0 °F	86%	29.90 in	10.0 miles	Calm	Calm	-	N/A		Partly Cloudy
3:30 AM	15.8 °F	14.0 °F	93%	29.91 in	10.0 miles	Calm	Calm	-	N/A		Partly Cloudy
3:50 AM	17.6 °F	14.0 °F	86%	29.91 in	10.0 miles	Calm	Calm	-	N/A		Clear
4:10 AM	17.6 °F	14.0 °F	86%	29.91 in	10.0 miles	Calm	Calm	-	N/A		Clear
4:30 AM	17.6 °F	14.0 °F	86%	29.92 in	10.0 miles	Calm	Calm	-	N/A		Clear
4:50 AM	17.6 °F	14.0 °F	86%	29.92 in	10.0 miles	Calm	Calm	-	N/A		Clear
5:10 AM	17.6 °F	14.0 °F	86%	29.92 in	10.0 miles	Calm	Calm	-	N/A		Clear
5:30 AM	15.8 °F	14.0 °F	93%	29.92 in	10.0 miles	Calm	Calm	-	N/A		Partly Cloudy
5:50 AM	15.8 °F	14.0 °F	93%	29.92 in	10.0 miles	Calm	Calm	-	N/A		Clear
6:10 AM	15.8 °F	14.0 °F	93%	29.92 in	10.0 miles	Calm	Calm	-	N/A		Partly Cloudy
6:30 AM	15.8 °F	14.0 °F	93%	29.92 in	10.0 miles	Calm	Calm	-	N/A		Clear

6:50 AM	14.0 °F	12.2 °F	93%	29.93 in	10.0 miles	Calm	Calm	-	N/A	Clear
7:10 AM	15.8 °F	14.0 °F	93%	29.94 in	10.0 miles	Calm	Calm	-	N/A	Clear
7:30 AM	14.0 °F	12.2 °F	93%	29.94 in	10.0 miles	Calm	Calm	-	N/A	Clear
7:50 AM	15.8 °F	14.0 °F	93%	29.94 in	10.0 miles	Calm	Calm	-	N/A	Clear
8:10 AM	14.0 °F	12.2 °F	93%	29.95 in	10.0 miles	Calm	Calm	-	N/A	Clear
8:30 AM	15.8 °F	14.0 °F	93%	29.95 in	10.0 miles	Calm	Calm	-	N/A	Clear
8:50 AM	17.6 °F	15.8 °F	93%	29.95 in	10.0 miles	Calm	Calm	-	N/A	Clear
9:10 AM	19.4 °F	17.6 °F	93%	29.96 in	10.0 miles	Calm	Calm	-	N/A	Clear
9:30 AM	21.2 °F	19.4 °F	93%	29.97 in	10.0 miles	Calm	Calm	-	N/A	Clear
9:50 AM	21.2 °F	21.2 °F	100%	29.97 in	10.0 miles	Calm	Calm	-	N/A	Clear
10:10 AM	26.6 °F	21.2 °F	80%	29.98 in	10.0 miles	Calm	Calm	-	N/A	Clear
10:30 AM	26.6 °F	17.6 °F	69%	29.98 in	10.0 miles	Calm	Calm	-	N/A	Clear
10:50 AM	26.6 °F	19.4 °F	74%	29.98 in	10.0 miles	Calm	Calm	-	N/A	Clear
11:10 AM	28.4 °F	19.4 °F	69%	29.98 in	10.0 miles	Calm	Calm	-	N/A	Clear
11:30 AM	30.2 °F	15.8 °F	55%	29.98 in	10.0 miles	Calm	Calm	-	N/A	Partly Cloudy
11:50 AM	30.2 °F	15.8 °F	55%	29.97 in	10.0 miles	Calm	Calm	-	N/A	Clear
12:10 PM	30.2 °F	17.6 °F	60%	29.97 in	10.0 miles	East	3.5 mph	-	N/A	Clear
12:30 PM	30.2 °F	17.6 °F	60%	29.97 in	10.0 miles	Calm	Calm	-	N/A	Partly Cloudy
12:50 PM	30.2 °F	17.6 °F	60%	29.97 in	10.0 miles	Calm	Calm	-	N/A	Clear
1:10 PM	32.0 °F	17.6 °F	55%	29.97 in	10.0 miles	Calm	Calm	-	N/A	Clear
1:30 PM	32.0 °F	17.6 °F	55%	29.98 in	10.0 miles	Calm	Calm	-	N/A	Partly Cloudy
1:50 PM	32.0 °F	14.0 °F	48%	29.97 in	10.0 miles	NE	6.9 mph	-	N/A	Partly Cloudy
2:10 PM	32.0 °F	12.2 °F	44%	29.97 in	10.0 miles	NNE	3.5 mph	-	N/A	Partly Cloudy
2:30 PM	32.0 °F	12.2 °F	44%	29.97 in	10.0 miles	NE	6.9 mph	-	N/A	Scattered Clouds
2:50 PM	32.0 °F	12.2 °F	44%	29.98 in	10.0 miles	NNE	6.9 mph	-	N/A	Scattered Clouds
3:10 PM	32.0 °F	12.2 °F	44%	29.99 in	10.0 miles	NNE	4.6 mph	-	N/A	Scattered Clouds
3:30 PM	32.0 °F	12.2 °F	44%	29.99 in	10.0 miles	NNE	8.1 mph	-	N/A	Scattered Clouds
3:50 PM	32.0 °F	12.2 °F	44%	29.99 in	10.0 miles	NNE	5.8 mph	-	N/A	Clear
4:10 PM	30.2 °F	12.2 °F	47%	30.00 in	10.0 miles	NNE	5.8 mph	-	N/A	Clear
4:30 PM	30.2 °F	12.2 °F	47%	30.00 in	10.0 miles	NE	5.8 mph	-	N/A	Clear
4:50 PM	30.2 °F	10.4 °F	44%	30.01 in	10.0 miles	NE	6.9 mph	-	N/A	Clear
5:10 PM	30.2 °F	10.4 °F	44%	30.02 in	10.0 miles	NE	10.4 mph	17.3 mph	N/A	Clear
5:30 PM	30.2 °F	10.4 °F	44%	30.03 in	10.0 miles	NE	3.5 mph	-	N/A	Clear
5:50 PM	30.2 °F	12.2 °F	47%	30.03 in	10.0 miles	NNE	5.8 mph	-	N/A	Clear
6:10 PM	30.2 °F	12.2 °F	47%	30.04 in	10.0 miles	NNE	5.8 mph	-	N/A	Clear
6:30 PM	28.4 °F	12.2 °F	51%	30.04 in	10.0 miles	North	5.8 mph	-	N/A	Partly Cloudy
6:50 PM	28.4 °F	14.0 °F	55%	30.05 in	10.0 miles	North	5.8 mph	-	N/A	Clear
7:10 PM	28.4 °F	14.0 °F	55%	30.05 in	10.0 miles	NNE	3.5 mph	-	N/A	Clear
7:30 PM	28.4 °F	14.0 °F	55%	30.06 in	10.0 miles	North	6.9 mph	-	N/A	Clear
8:15 PM	28.4 °F	12.2 °F	51%	30.07 in	10.0 miles	North	3.5 mph	-	N/A	Clear
8:30 PM	28.4 °F	14.0 °F	55%	30.07 in	10.0 miles	North	5.8 mph	-	N/A	Clear

8:50 PM	26.6 °F	14.0 °F	59%	30.08 in	10.0 miles NNE	4.6 mph	-	N/A	Partly Cloudy
9:10 PM	26.6 °F	14.0 °F	59%	30.08 in	10.0 miles North	3.5 mph	-	N/A	Partly Cloudy
9:30 PM	26.6 °F	14.0 °F	59%	30.09 in	10.0 miles NNE	5.8 mph	-	N/A	Clear
9:50 PM	26.6 °F	14.0 °F	59%	30.10 in	10.0 miles North	4.6 mph	-	N/A	Clear
10:10 PM	26.6 °F	14.0 °F	59%	30.11 in	10.0 miles Calm	Calm	-	N/A	Clear
10:30 PM	24.8 °F	14.0 °F	64%	30.12 in	10.0 miles Calm	Calm	-	N/A	Clear
10:50 PM	24.8 °F	14.0 °F	64%	30.13 in	10.0 miles Calm	Calm	-	N/A	Partly Cloudy
11:10 PM	23.0 °F	14.0 °F	68%	30.13 in	10.0 miles Calm	Calm	-	N/A	Clear
11:30 PM	23.0 °F	14.0 °F	68%	30.13 in	10.0 miles Calm	Calm	-	N/A	Clear
11:50 PM	21.2 °F	15.8 °F	80%	30.14 in	10.0 miles Calm	Calm	-	N/A	Clear



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Exhibit 14

Historic official NWS weather data from 12-15-08 for Seattle, WA

Everything you love, now on your TV.



chromecast

Buy Now

History for Seattle, WA

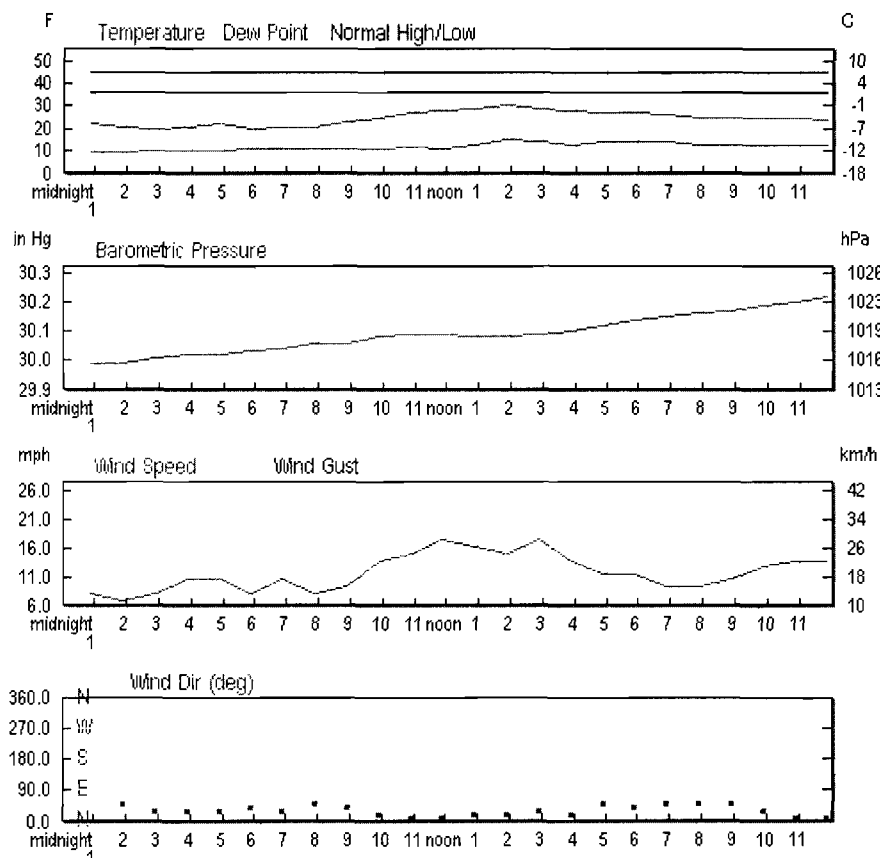
Monday, December 15, 2008

Daily Summary

	Actual:	Average :	Record :
Temperature:			
Mean Temperature	25 °F	40 °F	
Max Temperature	30 °F	45 °F	63 °F (1980)
Min Temperature	19 °F	35 °F	19 °F (2008)
Degree Days:			
Heating Degree Days	40	25	
Month to date heating degree days	353	360	
Since 1 July heating degree days	1444	1543	
Cooling Degree Days	0	0	
Month to date cooling degree days	0	0	
Year to date cooling degree days	193	189	
Moisture:			
Dew Point	12 °F		
Average Humidity	57		
Maximum Humidity	67		
Minimum Humidity	46		
Precipitation:			
Precipitation	0.00 in	0.16 in	1.60 in (1959)
Month to date precipitation	1.52	2.70	
Year to date precipitation	28.15	34.84	
Snow:			
Snow	0.00 in	-	1.20 in (1979)
Month to date snowfall			
Since 1 July snowfall			
Snow Depth	1.00 in		
Sea Level Pressure:			
Sea Level Pressure	30.09 in		
Wind:			
Wind Speed	12 mph (NNE)		
Max Wind Speed	20 mph		
Max Gust Speed	23 mph		
Visibility	10 miles		
Events			

T = Trace of Precipitation, **MM** = Missing Value

Source: NWS Daily Summary



Hourly Observations

Time (PST):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
12:53 AM	21.9 °F	9.0 °F	58%	29.99 in	10.0 miles	NE	8.1 mph	-	N/A		Partly Cloudy
1:53 AM	21.0 °F	9.0 °F	60%	29.99 in	10.0 miles	NE	6.9 mph	-	N/A		Scattered Clouds
2:53 AM	19.9 °F	10.0 °F	65%	30.01 in	10.0 miles	NNE	8.1 mph	-	N/A		Scattered Clouds
3:53 AM	21.0 °F	10.0 °F	63%	30.02 in	10.0 miles	NNE	10.4 mph	-	N/A		Partly Cloudy
4:53 AM	21.9 °F	10.0 °F	60%	30.02 in	10.0 miles	NNE	10.4 mph	-	N/A		Partly Cloudy
5:53 AM	19.9 °F	10.9 °F	68%	30.03 in	10.0 miles	NE	8.1 mph	-	N/A		Partly Cloudy
6:53 AM	21.0 °F	10.9 °F	65%	30.04 in	10.0 miles	NNE	10.4 mph	-	N/A		Partly Cloudy
7:53 AM	21.0 °F	10.9 °F	65%	30.06 in	10.0 miles	NE	8.1 mph	-	N/A		Partly Cloudy
8:53 AM	23.0 °F	10.9 °F	60%	30.06 in	10.0 miles	NE	9.2 mph	-	N/A		Partly Cloudy
9:53 AM	25.0 °F	10.9 °F	55%	30.08 in	10.0 miles	NNE	13.8 mph	-	N/A		Partly Cloudy
10:53 AM	27.0 °F	12.0 °F	53%	30.09 in	10.0 miles	North	15.0 mph	-	N/A		Partly Cloudy
11:53 AM	28.0 °F	10.9 °F	49%	30.09 in	10.0 miles	North	17.3 mph	-	N/A		Partly Cloudy
12:53 PM	28.9 °F	12.9 °F	51%	30.08 in	10.0 miles	NNE	16.1 mph	-	N/A		Partly Cloudy
1:53 PM	30.0 °F	15.1 °F	54%	30.08 in	10.0 miles	NNE	15.0 mph	-	N/A		Partly Cloudy
2:53 PM	28.9 °F	14.0 °F	54%	30.09 in	10.0 miles	NNE	17.3 mph	-	N/A		Partly Cloudy
3:53 PM	28.0 °F	12.9 °F	53%	30.10 in	10.0 miles	NNE	13.8 mph	-	N/A		Scattered Clouds
4:53 PM	27.0 °F	14.0 °F	58%	30.12 in	10.0 miles	NE	11.5 mph	-	N/A		Scattered Clouds

5:53 PM	27.0 °F	14.0 °F	58%	30.14 in	10.0 miles NE	11.5 mph	-	N/A	Scattered Clouds
6:53 PM	26.1 °F	14.0 °F	60%	30.15 in	10.0 miles NE	9.2 mph	-	N/A	Partly Cloudy
7:53 PM	25.0 °F	12.9 °F	60%	30.16 in	10.0 miles NE	9.2 mph	-	N/A	Partly Cloudy
8:53 PM	25.0 °F	12.9 °F	60%	30.17 in	10.0 miles NE	10.4 mph	-	N/A	Clear
9:53 PM	25.0 °F	12.9 °F	60%	30.19 in	10.0 miles NNE	12.7 mph	-	N/A	Clear
10:53 PM	25.0 °F	12.9 °F	60%	30.20 in	10.0 miles North	13.8 mph	-	N/A	Clear
11:53 PM	24.1 °F	12.9 °F	62%	30.22 in	10.0 miles North	13.8 mph	-	N/A	Clear



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Exhibit 12

A copy of the compact disk containing the digital surveillance video files from the
December 15, 2008 robbery of Java 2 Go
[submitted under separate cover.]

Appendix T
Memorandum Opposing State's Motion To Join
Filed 05-28-2009

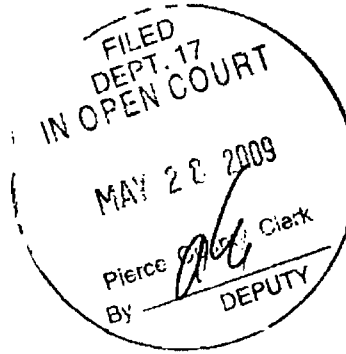
Case Number: 09-1-00181-4 Date: December 9, 2013

SerialID: D896746B-F20F-6452-DB3A136CFD60628B

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00181-4 32147865 MMOP 05-29-09



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT WILSON,

Defendant.

)
)
) NO. 09-1-00181-4
)
)
) MEMORANDUM OPPOSING
) STATES MOTION TO JOIN
) CORRECTED CAPTION NO.
)
)

COMES NOW the defendant, ROBERT WILSON, by and through his undersigned attorney,
VERA D. JEAN, of the Department of Assigned Counsel and hereby files a corrected copy of the
Defendant's Motion Opposing the States Motion to Join Offenses. Counsel states that on May 13, 2009
A copy of the attached was inadvertently filed under the wrong case no. 03-1-00790-2. Counsel further
states that a copy of the response was forwarded to the states counsel Sunni Ko on said date.

DATED this 27 day of May, 2009.

Vera Jean
VERA JEAN, WSPA# 28612
Attorney for Defendant
Department of Assigned Counsel

State v. Wilson

Department of Assigned Counsel
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Case Number: 09-1-00181-4 Date: December 9, 2013

SerialID: D896746B-F20F-6452-DB3A136CFD60628B

Certified By: Kevin Stock Pierce County Clerk, Washington

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A.M. MAY 13 2009 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTYIN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,)

Plaintiff,)

vs.)

ROBERT WILSON,)

Defendant.)

NO. 03-1-00790-2

MEMORANDUM OPPOSING
STATE'S MOTION TO JOIN
OFFENSESROOM 1948
COPY RECEIVED
MAY 13 2009GENERAL COUNSEL
PIERCE COUNTY PROSECUTING ATTORNEYSTATEMENT OF RELIEF SOUGHT

COMES NOW the defendant, by and through his attorney of record, **VERA D. JEAN**, of the Department of Assigned Counsel and respectfully moves this court for an order denying the State's motion to join offenses. This motion is based upon CrR 4.3, ER 402, 403 and 404(b), and the pleadings and papers on file herein.

DEFENDANT'S MOTION
OPPOSING JOINDER - 1

FACTS

VERA D. JEAN, being duly sworn on oath, hereby states that I am counsel for Defendant and that the foregoing facts are true and accurate to the best of my knowledge.

1.. That on January 2, 2009, the State charged Mr. Wilson, by way of information, with, and one count of attempting to elude a pursuing police vehicle, one count of possession of a firearm in the first degree alleged to have occurred on or about November 18, 2008.

2. That on January 5, 2009, the State charged Mr. Wilson, by way of information, with one count of possession of a stolen vehicle, and one count of attempting to elude a pursuing police vehicle, alleged to have occurred on or about January 2, 2009.

2. That on January 12, 2009, the State charged Mr. Wilson, by way of information, with one count of Robbery in the First Degree with a firearm alleged to have occurred on or about December, 15, 2008.

3. That the State is asking this court to join these three offenses for trial on the basis:

A. That in the November 18, 2008 eluding incident, the officer alleged that he saw a "large shiny revolver style handgun on the passenger floorboard."

B. That a robbery occurred on December 15, 2008 and the barista reported that a man approached the coffee stand and displayed a "large silver handgun".

DEFENDANT'S MOTION
OPPOSING JOINDER - 2

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4 C. That during the course of the robbery investigation, police received information
5 that Robert Wilson may be a possible suspect in the coffee stand robbery.

6 D. That based on the information received police created a photomontage that
7 included a photo of Wilson, and the barista viewed the montage and
8 immediately picked out Wilson as the man who robbed the coffee stand on
9 December 15 2008, and further a surveillance video shows the robbery in its
10 entirety and includes the robber with a large silver handgun.

11
12 E. The surveillance video also shows the robber wearing a pair of pants with
13 distinct white patterns on the rear pocket.

14 F. That when the Defendant was arrested in the January 2, 2009 elude incident
15 was wearing allegedly the same pair of pants the robber wore on December 15,
16 2008, and the police recovered a holster and handgrip for a gun.
17
18

19 **ARGUMENT**

20 **I. THE CASES SHOULD NOT BE JOINED FOR TRIAL BECAUSE THERE IS NO**
21 **EVIDENCE THAT THEY INVOLVED A COMMON SCHEME OR PLAN.**

22 CrR 4.3(a) provides as follows:

23 Two or more offenses may be joined in one charging document, with each offense stated in
24 a separate count, when the offenses, whether felonies, misdemeanors or both:

25 (1) Are of the same or similar character, even if not part of a single scheme or plan; or
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28 DEFENDANT'S MOTION
OPPOSING JOINDER - 3

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4 (2) Are based on the same conduct or on a series of acts connected together or constituting
5 parts of a single scheme or plan.

6 Joinder of counts should never be used in such a way as to unduly embarrass or prejudice a
7 defendant or deny him or her a substantial right. State v. Russell, 125 Wn. 2d 24, 62, 882 P.2d 747
8 (1994). Prejudice may result from joinder if the defendant is embarrassed in the presentation of
9 separate defenses, or if use of a single trial invites the jury to cumulate evidence to find guilt or infer
10 a criminal disposition. Id. at 63.
11

12 The State seeks to join the three charged offenses against Mr. Wilson under the theory that
13 they constitute a common scheme and plan. The State supports this theory by arguing that the
14 because the officer said he observed a silver gun in Mr. Wilson's vehicle on November 18, 2008
15 and the barista said the espresso robber had a silver gun on December 15, 2008, trying Mr. Wilson
16 on all matters is less burdensome for the court, because the Defendant's actions are a part of a
17 single scheme or plan.
18

19 The State's theory is not supported by the evidence. This is so for several reasons.

- 20 a. First, none of the lay witnesses that are in the elude matters are a part of the robbery case
21 and all of the officers are different other than the fact that they conferred regarding
22 possible links.
23 b. The jeans that the officers said Mr. Wilson was wearing are not the same as alleged or as
24 distinctive as stated.
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28 DEFENDANT'S MOTION
OPPOSING JOINDER - 4

c. Further, the specific pair of jeans Mr. Wilson wears is a trendy pair popular with the Gen-X crowd and sold by atleast five distributors in Western Washington.

d. Moreover, the only thing Mr. Wilson's jeans and the robber of the Java 2 Go has in common is the embroidered work on the pockets.

e. Further, the embroidererd pattern on Mr. Wilson's jeans is not the same but similar to the embroidery on the Java 2 Go robbers jeans.

f. Additionally, embroidered jeans are not only popular with Gen-X men, they are also available in retail establishments and numerous online stores for both men and women.

Finally, the state has no theory to connect the Java 2 Go robbery with the elude counts charged to Mr. Wilson, other than an officer stating he viewed a silvery type gun in the vehicle Mr. Wilson fled from, and the Java 2 Go Barista stating the espresso robber had a silver gun, one month after the gun which was viewed by the officer in the elude matter. There were no distinctive marks on the gun, nor was the gun recovered.. Eyewitness accounts are notoriously flawed .

II. JOINDER OF THE OFFENSES WOULD SUBSTANTIALLY PREJUDICE MR. WILSON.

Second, there were a number of similar robberies subsequent to Mr. Wilson's arrest on January 2, 2009. Specifically, ~~_____~~

If this court finds that the three charged offenses may be properly joined under CrR

4.3(a), it can still deny the State's motion if it finds that Mr. Wilson would be prejudiced as a result.

Russell, at 62. Proper joinder of two or more offenses under CrR 4.3 is inherently prejudicial. State

DEFENDANT'S MOTION
OPPOSING JOINDER - 5

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4 v. Ramirez, 46 Wn. App. 223, 226, 730 P.2d 98 (1986); State v. Bythrow, 114 Wn. 2d 713, 718,
5 790 P.2d 154 (1990) citing State v. Smith, 74 Wn. 2d 744, 755, 446 P.2d 571 (1968), vacated in
6 part, 408 U.S. 934, 92 S.Ct. 2852, 33 L.Ed.2d 747 (1972) overruled on other grounds in State v.
7 Gosby, 85 Wn. 2d 758, 539 P.2d 680 (1975).

8
9 The reasons that joining two or more criminal offenses is inherently prejudicial are because
10 1) a defendant may become embarrassed or confounded in presenting separate defenses; 2) the jury
11 may use the evidence of one of the crimes charged to infer a criminal disposition on the part of the
12 defendant from which is found his guilt of the other crime or crimes charges; and 3) the jury may
13 cumulate the evidence of the various crimes charged and find guilt when, if considered separately, it
14 would not so find. Bythrow, at 718 citing Smith at 755.

15
16 To determine whether the potential for prejudice requires severance, the trial court must
17 consider the following factors; 1) the strength of the State's evidence on each count; 2) the clarity
18 of defenses as to each count; and 3) court instructions to the jury to consider each count separately;
19 and 4) the admissibility of evidence of the other charges even if not joined for trial. Russell, at 63.
20 The presence of these factors will mitigate or neutralize the inherent prejudice of joinder. State v.
21 Craven, 69 Wn. App. 581, 587, 849 P.2d 681, review denied, 122 Wn. 2d 1019, 863 P.2d 1353
22 (1993); State v. Sanders, 66 Wn.App 878, 885, 833 P.2d 452 (1992). Contrary to the State's
23 assertion, all of these factors are not present in Mr. Wilson's cases. The strength of the State's case
24 on the robbery count is weaker than the cases on the eludes. In addition, the evidence supporting
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28 DEFENDANT'S MOTION
OPPOSING JOINDER - 6

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4 each count would not be admissible in a trial on the other count. In other words, the evidence is not
5 cross admissible.

6 A. The strength of the State's case on the robbery count is weaker than on the elude counts.

7 On the robbery , the officers were led to Mr. Wilson by an informant seated in a police
8 vehicle while they were staking out a building. According to an officer, their was a Crime Stoppers
9 flyer displayed on the seat of the patrol car while the informant was seated in the police vehicle.
10 Said informant told the officers that the person in the photo looks like Robert Wilson. The officer
11 was convinced that Mr. Wilson was the expresso stands robber. As a result they pieced together a
12 photomontage and presented same to victim baristas. One ,Java 2 Go said it was Mr. Wilson, and
13 the other(Coffee Cabin) said it was not..
14

15 The "shiny silver" gun has not been recovered, eyewitness account are notoriously flawed
16 and the Defendant intends to introduce and alibi defense.
17

18 In contrast, on the elude counts, the State's case is much stronger. In that case, the police
19 pursued Mr. Wilson, and in one case Mr. Wilson and the officer who initiated the stop were face to
20 face and in the other , items linking Mr. Wilson were located in the vehicle Mr. Wilson allegedly
21 fled from.

22 The circumstantial evidence the state intends to present on the Robbery count will require
23 Mr. Wilson to testify.

24 Severance is required when a defendant makes a convincing showing that he or she has
25 important testimony to give concerning one count and a strong need to refrain from testifying about
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27 DEFENDANT'S MOTION
28 OPPOSING JOINDER - 7

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4 another. State v. Watkins, 53 Wn. App. 264, 270, 766 P.2d 484 (1989). Due to the nature and
5 strength of evidence the State has in the elude matters, Mr. Wilson has a strong need to refrain
6 from testifying in those matters case. However, Mr. Wilson has important testimony to contribute
7 on the robbery count. He needs to explain where he was at the time the robbery occurred.

8
9 Therefore, due to the differences in the strength of the State's case on the three charged
10 counts and Mr. Wilson's need to testify in one case and to remain silent in two others, this court
11 should deny the State's motion.

12
13 B. The evidence in each count is not cross admissible.

14 The issue the court must address when looking at this factor is whether, under ER 404(b),
15 evidence of each elude and the robbery would be admissible interchangeably. Bythrow, at 718-
16 719. Evidence of each crime must be admissible in a separate trial for the other. Ramirez, at 226.
17 Cross admissibility is the essential issue. Sanders, at 885; Craven, at 587; Bythrow, at 720; and
18 State v. Herzog, 73 Wn. App. 34, 51, 867 P.2d 648, review denied, 124 Wn. 2d 1022, 881 P.2d 255
19 (1994).

20
21 ER 404(b) provides as follows:

22 Other Crimes, Wrongs or Acts. Evidence of other crimes, wrongs or acts is
23 not admissible to prove the character of a person in order to show action in
24 conformity therewith. It may, however, be admissible for other purposes,
25 such as proof of motive, opportunity, intent, preparation, plan, knowledge,
26 identity, or absence of mistake or accident

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28 DEFENDANT'S MOTION
OPPOSING JOINDER - 8

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4 The Washington Courts have done extensive interpretations of ER 404(b). The two major
5 Supreme Court cases are State v. Saltarelli, 98 Wn.2d 358, 655 P.2d 697 (1982) and State v. Smith,
6 106 Wn.2d 772, 725 P.2d 951 (1986). Smith reaffirmed the balancing test that was pronounced in
7 Saltarelli. The Court required trial judges to conduct a three part analysis before admitting ER
8 404(b) evidence. The trial court commits error if it does not undergo this analysis on the record.
9
10 State v. Jackson, 102 Wn. 2d 689, 694, 698 P.2d 76 (1984).

11 The analysis for ER 404(b) was stated by the Supreme Court as follows:

12 . . . As we said in State v. Saltarelli, supra, ER 404(b) must be read in conjunction
13 with ER 402 and 403. ER 402 prohibits admission of evidence which is not
14 relevant. Relevant evidence is defined in ER 401 as

15 . . . evidence having any tendency to make the existence of
16 any fact that is of consequence to the determination of the
17 action more probable . . . that it would be without the evidence.

18 ER 403 requires exclusion of evidence, even if relevant, if its probative value is
19 substantially outweighed by the danger of unfair prejudice.

20 In Saltarelli, this court defined the analysis of a trial court must
21 employ before admitting evidence of other crimes. First, the court
22 must identify the purpose for which the evidence is to be admitted.
23 Saltarelli at 362. Second, the court must determine the relevancy of
24 the evidence. In determining relevancy, (1) the purpose for which
25 the evidence is offered "must be of consequence to the outcome
26 of the action", and (2) "the evidence must tend to make the existence
27 of the identified fact more . . . probable." Saltarelli at 362-363.
28 Third, after the court has determined relevancy, it must then "balance
the probative value against the prejudicial effect . . . (emphasis ours).
Saltarelli, at 363. As stated in State v. Bennett, 36 Wn. App. 176,
180, 672 P.2d 772 (1983), "[i]n doubtful cases the scale should be
tipped in favor of the defendant and exclusion of the evidence."

DEFENDANT'S MOTION
OPPOSING JOINDER - 9

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4 In State v. Jackson, 102 Wn.2d 689, 694, 689 P.2d 76 (1984), this
5 court held that a trial court errs if the judge does not undergo the
6 aforesaid analysis on the record. (Emphasis ours). Failure to do so
precludes the trial court's "thoughtful consideration of the issue", and
frustrates effective appellate review. Jackson, at 694.

7 State v. Smith, supra ., at 775-76.

8 In State v. Bowen, 48 Wn. App. 187, 738 P.2d 316 (1987) the court made it very clear that
9 any doubts about admitting ER 404(b) evidence must be resolved in favor of exclusion. Id. at 191.

10
11 In the case at bar, the State argues that the evidence on each count would be cross
12 admissible because it shows the existence of a common scheme.

13 There is no correlation between the eludes and the robbery count. There is no evidence that
14 Mr. Wilson was eluding officers after committing robbery. The first elude occurred on November
15 18, 2008. The robbery was not until some thirty days later, and the second elude, which occurred on
16 January 2, 2009, was not connected to the robbery date of December 18, 2008. Additionally, as
17 previously mentioned, over a dozen expresso stand robberies were committed since December 18,
18 2008, and at least ten of those occurred since Mr. Wilson has been incarcerated. Upon information
19 and belief, the most recently documented was on or March 27, 2009.

20
21 Finally, if this court were to conclude that the charged counts were cross admissible under
22 ER 404(b), the prejudicial effect of admitting this evidence would far outweigh its probative value.
23 In State v. Bowen, supra., the court held that misconduct for which the defendant has not been
24 charged is likely to more prejudicial than probative. Id. at 195-196.

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27 DEFENDANT'S MOTION
28 OPPOSING JOINDER - 10

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5 The expresso robbery was published on television, online and circulated as a part of the
6 crime stoppers program. The charges of elude include elements of recklessness. For the court to
7 allow the State to introduce evidence of Mr. Wilson behavior during the eludes counts to support
8 the Robbery charge, which are totally unrelated based on elements and material witnesses, the
9 probative value of the evidence would substantially outweigh its prejudicial effect.
10

11 In State v. Bowen, supra, the court held that although intent was almost always formally in
12 dispute, intent was not a material issue when intent would follow from the alleged act itself. Id. at
13 195. Bowen involved the prosecution of a physician for taking indecent liberties with a patient.
14 Id. at 188. The prosecution sought to introduce two previous incidents involving other patients. Id.
15 at 189. The court stated:

16 “Although the issue of a defendant’s intent is almost always formally in dispute, in this case,
17 proof of Dr. Bowen’s intent follows from the testimony that he reached inside Mrs.
18 Gettemy’s clothes and touched per private parts. Because intent was not a material issue,
the prior acts were not admissible to demonstrate intent. “

19 Id. at 195. See also State v. Wade 98 Wn. App. 328, 336, 989 P.2d 576, (1998) reversed on other
20 grounds, 138 Wn. 2d 460, 979 P.2d 850 (1999)(where the court held that evidence of prior drug
21 sales could not be admitted to show that defendant intended to deliver drugs in the present charge
22 because the issue of intent flowed from the act itself.)

23
24 In the cases at bar, the issue of possession of a firearm flows from the acts themselves. In
25 Wade, the court cautioned against the use of ER 404(b) evidence to establish intent because doing
26 so allows the trier of fact to infer that the defendant had a propensity to commit the crime, an

27 DEFENDANT’S MOTION
28 OPPOSING JOINDER - 11

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4 inference that is forbidden under the rule. Id. at 336. If the cases at bar were joined for trial, the
5 jury would do just this. The Wade court stated as follows:

6 When the State offers evidence of prior acts to demonstrate intent, there must be a logical
7 theory, other than propensity, demonstrating how the prior acts connect to the intent
8 required to commit the charged offense. That a prior act "goes to intent" is not a "magic
9 [password] whose mere incantation will open wide the courtroom doors to whatever
evidence may be offered in [its name]." Citing Salterelli, at 364 citing United States v.
Goodwin, 492 F.2d 1141, 1155 (5th Cir. 1974) n. 2.

10 Wade, at 335.

11 The allegation that Mr. Wilson possessed a firearm in his car on November 18, 2009 is not
12 probative of his intent to commit robbery on December 15, 2008. There is no nexus in terms of
13 time. The State's argument is that the common scheme theory rests on the cross admissibility of
14 the elude/possession of firearm count is erroneous.. For these reasons, even if this court does find
15 that the three cases are cross admissible, the probative value of the evidence is substantially
16 outweighed by its prejudicial effect.

17
18 In addition to the reasons set forth previously in the brief, the charged counts should not be
19 joined because "common scheme or plan" is not an element of the charged offenses. In State v.
20 Stanton, 68 Wn. App. 855, 863, 845 P.2d 1365 (1993), the court held that prior bad acts are not
21 admissible under this theory unless a common scheme or plan is an element of the charged offense.
22 In Stanton, the defendant was charged with first degree theft and unlawful issuance of a bank check
23 when he contracted to buy a spa from Spa World and wrote a check with insufficient funds to pay
24 for it. Id. at 857. The State sought to introduce evidence that the defendant had a similar contract
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27 DEFENDANT'S MOTION
28 OPPOSING JOINDER - 12

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4 dispute with Harbor Pre-Fit Door. Id. at 859. The court, citing RCW 9A.56.030(1)¹, RCW
5 9A.56.020(1)², and RCW 9A.56.060(1)³ held that the Harbor Door evidence was not admissible
6 because "common scheme or plan" was not an element of either first degree theft or UIBC. Id. at
7 863. The court contrasted these statutes with RCW 9A.56.060(3)⁴ where "common scheme or
8 plan" was an element of the offense. Id.

9
10 In the cases at bar, "common scheme or plan" is not an element of the charged offenses.
11 Therefore, under Stanton, the charged offenses are not cross admissible under this theory. Even if
12 this court finds that the charged offenses are cross admissible under the "common scheme or plan"
13 theory, for the reasons discussed above the evidence of each charge would not be relevant as to the
14 other charge. In addition, the probative value of the evidence supporting each of the counts would
15 be outweighed by the prejudicial effect of allowing the three charged offenses to be joined.

16
17 However, there is a stronger argument for joining the two elude counts, only, since they are
18 similar and the elements are the same, and the firearm count arose out of one of the elude incidents.
19 Again, for the reasons discussed above, the robbery count is not probative or relevant as to either of
20 the charged elude and elude/firearm counts.

21 Because the strength of the State's cases on the charged counts are unequal and because the
22 evidence is not cross admissible, Mr. Wilson would be prejudiced if his cases were joined for trial.

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27 DEFENDANT'S MOTION
28 OPPOSING JOINDER - 13

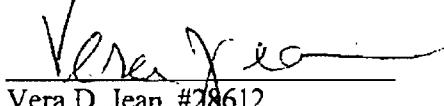
Case Number: 09-1-00181-4 Date: December 9, 2013

SerialID: D896746B-F20F-6452-DB3A136CFD60628B

Certified By: Kevin Stock Pierce County Clerk, Washington

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4 For the reasons set forth above, this court should deny the State's motion to join the three
5 charged offenses.

6 RESPECTFULLY SUBMITTED THIS 10 day of May, 2009 by:

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8 
9 Vera D. Jean, #28612
10 Department of Assigned Counsel
11 Attorneys for Defendant

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15 resubmitted 5/28/09
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27 ⁴ An alternative means to commit UIBC not charged.

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/JANINE CAVALIER, Deputy

Dated: Dec 9, 2013 10:19 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

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This document contains 15 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix U
Statement of Defendant on Plea of Guilty of Patrick Lamp on CA# 09-1-00780-4
Filed 01-27-2010

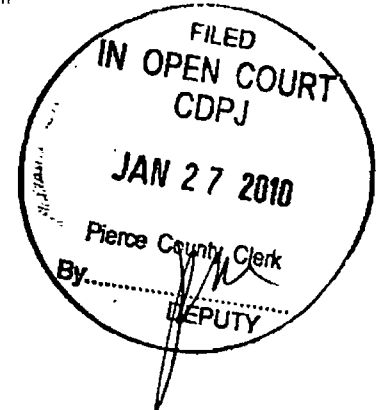
Case Number: 09-1-00780-4 Date: December 9, 2013

SerialID: D8BBB336-F20F-6452-DA8A3CBD7DC4A81B

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09-1-00780-4 33861173 STTDFG 01-28-10



Superior Court of Washington For Pierce County

State of Washington

Plaintiff

vs.

Patrick Dewayne Camp

Defendant

No. 09-1-00780-4

Statement of Defendant on Plea of
Guilty to Non-Sex Offense
(STTDFG) JAN 28 2010

[Signature]

1. My true name is: Patrick Dewayne Camp
2. My age is: 29
3. The last level of education I completed was 5th
4. **I Have Been Informed and Fully Understand That:**

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is: Dana Ryan

(b) I am charged with the crime(s) of:

Count I: Robbery First Degree

The elements are: on NOV 17 2008 take personal property with the intent to steal from the employees of Pacific Bay Espresso by threat of force and in the commission and immediate flight therefrom, the defendant displayed what appeared to be a deadly weapon.

Count II:

The elements are:

Case Number: 09-1-00780-4 Date: December 9, 2013

SerialID: D8BBB336-F20F-6452-DA8A3CBD7DC4A81B

Certified By: Kevin Stock Pierce County Clerk, Washington

(c) Additional counts are addressed in Attachment "B"

5. **I Understand I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:**

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial as well as other pretrial motions such as time for trial challenges and suppression issues.

6. **In Considering the Consequences of my Guilty Plea, I Understand That:**

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

believed to be 15.5
17.5

COUNT NO	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1	9+	129-171		129-171	18-36 months	Life.
2						\$50,000

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, See RCW 9.94A.633(6), (VH) Veh. Hom. See RCW 46.61.520, (JP) Juvenile present, See RCW 9.94A.605

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If the prosecutor and I disagree about the computation of the offender score, I

understand that this dispute will be resolved by the court at sentencing. I waive any right to challenge the acceptance of my guilty plea on the grounds that my offender score or standard range is lower than what is listed in paragraph 6(a). If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance. RCW 74.04.005(6)(h).

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

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Certified By: Kevin Stock Pierce County Clerk, Washington

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.411(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I have not completed my maximum term of total confinement and I am subject to a third violation hearing and the Department of Corrections finds that I committed the violation, the Department of Corrections may return me to a state correctional facility to serve up to the remaining portion of my sentence.

- (g) The prosecuting attorney will make the following recommendation to the judge: _____
171 months - defendant will serve 129 months
inmate w/ 09-1-00134-2
\$500 CPA \$200 costs \$100 DNA
\$1500 OAC Restriction No contact w/ victim
business 18-36 months community custody

☐ The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:
- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
 - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
 - (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
 - (iv) The judge may also impose an exceptional sentence above the standard range if

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the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed upon an agreed offender score, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

- (i) **If I am not a citizen** of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I understand that **I may not possess, own, or have under my control any firearm** unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9A.10.040.
- (k) I understand that I will be **ineligible to vote** until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) **Public assistance will be suspended** during any period of imprisonment.
- (m) I understand that I will be required to have a **biological sample** collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee, unless the court finds that imposing the fee will cause me undue hardship.

Notification Relating to Specific Crimes. If Any of the Following Paragraphs Do Not Apply, They Should Be Stricken and Initialed by the Defendant and the Judge.

- (n) This offense is a **most serious offense** or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- (o) The judge may sentence me as a **first-time offender** instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- (p) If this crime involves a **kidnapping offense involving a minor**, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment. These requirements may change at a later date. I am responsible for learning about any changes in registration requirements and for

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complying with the new requirements.

- (q) If this is a crime of **domestic violence**, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- (r) If this crime involves **prostitution, or a drug offense associated with hypodermic needles**, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- (s) The judge may sentence me under the special drug offender sentencing alternative (**DOSA**) if I qualify under RCW 9.94A.660. Even if I qualify, the judge may order that I be examined by a licensed or certified treatment provider before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative. If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of at least one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court. As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(f). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if any violations of the conditions of the sentence have occurred. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within

the standard range.

- (t) If I am subject to community custody and the judge finds that I have a **chemical dependency** that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- (u) If this crime involves the **manufacture, delivery, or possession with the intent to deliver methamphetamine**, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401(2)(b).
- (v) If this crime involves a **violation of the state drug laws**, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- (w) If this ~~crime~~ involves a **motor vehicle**, my driver's license or privilege to drive will be suspended or revoked.
- (x) If this crime involves the offense of **vehicular homicide** while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(13).
- (y) If I am pleading guilty to **felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control** of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements.
- (z) The crime of _____ has a **mandatory minimum sentence** of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].
- (aa) I am being sentenced for **two or more serious violent offenses** arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- (bb) I understand that the offense(s) I am pleading guilty to include a **Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present** in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.
- (cc) I understand that the offense(s) I am pleading guilty to include a **deadly weapon or**

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firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

- (dd) I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.
- (ee) I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.
- (ff) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I can not currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I can not have a current or prior conviction for a sex or violent offense. RCW 9.94A.690

7. I plead guilty to count(s) 1 in the original Information. I have received a copy of that information.
8. I make this plea freely and voluntarily.
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: _____

I am entering into this plea to take advantage
of the states offer; After a review of the evidence
and consulting with my Attorney I believe

there is a substantial likelihood I would be found
guilty at trial

☒ Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

D. Patrick Lamp
Defendant

I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

BGR
Prosecuting Attorney

GREGORY L. GREER 22936
Print Name WSBA No.

Dana Ryan
Defendant's Lawyer

Dana Ryan 17418
Print Name WSBA No.

The foregoing statement was signed by the defendant in the presence of the defendant's lawyer and acknowledged in open court before the undersigned judge. The defendant asserted that [check appropriate box]:

- ☒ (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- ☒ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 1.27.10

Vicki L. Hogan
Judge

VICKI L. HOGAN

Interpreter's Declaration

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the _____ for the defendant from English into that language.

(Identify document being translated)

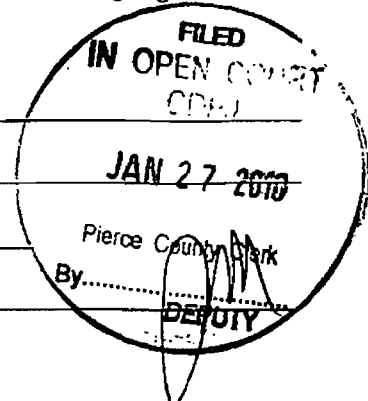
The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Print Name

Location: _____



State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Dorylee Phillips-Reyes, Deputy

Dated: Dec 9, 2013 10:59 AM

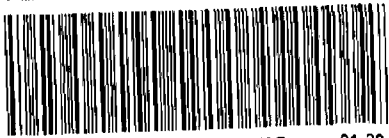


Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

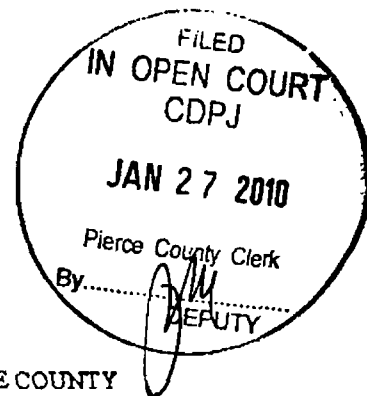
<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,
enter **SerialID: D8BBB336-F20F-6452-DA8A3CBD7DC4A81B**.

This document contains 9 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix V
Warrant of Commitment and Judgment and Sentence of Patrick Lamp on
CA# 09-1-00780-4
Filed 01-27-10



09-1-00780-4 33651196 JDSWCD 01-28-10



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 09-1-00780-4

JAN 28 2010

vs.

PATRICK D. LAMP,

Defendant.

WARRANT OF COMMITMENT

- 1) ☐ County Jail
 2) ☒ Dept. of Corrections
 3) ☐ Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

X] 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

WARRANT OF
COMMITMENT -3

Office of Prosecuting Attorney
 930 Tacoma Avenue S. Room 946
 Tacoma, Washington 98402-2171
 Telephone: (253) 798-7400

Case Number: 09-1-00780-4 Date: December 9, 2013

SerialID: D8BD7DD4-110A-9BE2-A99065EAF8C2077F

Certified By: Kevin Stock Pierce County Clerk, Washington

09-1-00780-4

- [] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: 1-27-10

By direction of the Honorable

JUDGE

KEVIN STOCK

VICKI L. HOGAN

By: Chris Hutton

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

Date JAN 28 2010 By Chris Hutton Deputy

STATE OF WASHINGTON

County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

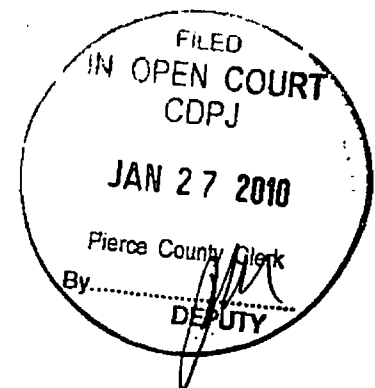
IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this

_____ day of _____,

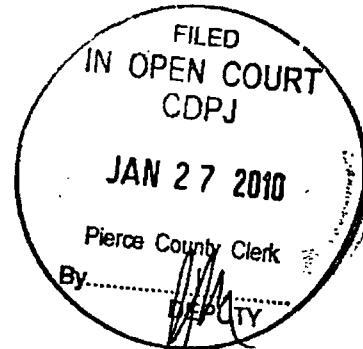
KEVIN STOCK, Clerk

By: _____ Deputy

tjb

WARRANT OF
COMMITMENT -4

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

JAN 28 2010

Plaintiff, CAUSE NO. 09-1-00780-4

vs.

PATRICK D. LAMP

Defendant:

JUDGMENT AND SENTENCE (JS)

☒ Prison [] RCW 9.94A.712 Prison Confinement☐ Jail One Year or Less☐ First-Time Offender☐ Special Sexual Offender Sentencing Alternative☐ Special Drug Offender Sentencing Alternative☐ Breaking The Cycle (BTC)☐ Clerk's Action Required, para 4.5

(SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

SID: 17395515

DOB: 04/09/1980

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on
by ☒ plea [] jury-verdict [] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
1	ROBBERY IN THE FIRST DEGREE, (AAA2)	9A.56.190 9A.56.200(1)(a)(ii)	NONE	11/17/2008	08010584

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the Original Information

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 1 of 1

10-9-01295-9

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	RES BURG	04/17/95	PIERCE	12/24/94	JUV	NV
2	RES BURG	04/17/95	PIERCE	01/12/95	JUV	NV
3	BURGLARY 1	04/17/95	PIERCE	01/14/95	JUV	V
4	RES BURG	04/17/95	PIERCE	02/09/95	JUV	NV
5	ATT RES BURG	04/17/95	PIERCE	02/09/95	JUV	NV
6	ATT BURG	04/17/95	PIERCE	02/22/95	JUV	NV
7	RES BURG	04/17/95	PIERCE	02/22/95	JUV	NV
8	ATT BURG	04/17/95	PIERCE	02/22/95	JUV	NV
9	RES BURG	04/17/95	PIERCE	08/31/95	JUV	NV
10	PSP 1 (2X)	05/01/96	PIERCE	03/14/96	JUV	NV
11	PSP 1	07/01/99	PIERCE	03/10/99	ADULT	NV
12	ATT UPCS METH	07/02/99	PIERCE	04/25/99	ADULT	NV
13	ROBBERY 1 W/ WPN	09/29/00	KING	09/15/99	ADULT	V
14	TMVWOP	09/29/00	KING	09/15/99	ADULT	NV
15	UPFA 2	09/29/00	KING	09/15/99	ADULT	NV
16	PSP 2	09/29/00	KING	09/15/99	ADULT	NV
17	PSP 2	11/27/06	PIERCE	09/15/06	ADULT	NV
18	OTHER CURRENT 09-1-00134-2		PIERCE		ADULT	V

☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	15	IX	129-171 MOS.	NONE	129-171 MOS.	LIFE

2.4 ☐ **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence:

☐ within ☐ below the standard range for Count(s) _____

☐ above the standard range for Count(s) _____

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 **ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS.** The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 2 of 10

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

[] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

[] The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are [] attached [] as follows: N/A

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 [] The court DISMISSES Counts _____ [] The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RN	\$ <u>LOC</u>	Restitution to: _____
	\$ _____	Restitution to: _____
	(Name and Address--address may be withheld and provided confidentially to Clerk's Office).	
PCV	\$ <u>500.00</u>	Crime Victim assessment
DNA	\$ <u>400.00</u>	DNA Database Fee <i>imposed under 09-1-00217.9</i>
PUB	\$ <u>1,500</u>	Court-Appointed Attorney Fees and Defense Costs
FRC	\$ <u>200.00</u>	Criminal Filing Fee
FCM	\$ _____	Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 2,200 TOTAL

☒ The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[] shall be set by the prosecutor.

☒ is scheduled for 3:30 - 10

[] RESTITUTION. Order Attached

[] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ _____ per month commencing _____. RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

[] **COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate, RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.2 [X] **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

[] **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 **NO CONTACT**

The defendant shall not have contact with Allyson Fickess (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 7.5-90 and Turtle Bay Espresso Life years (not to exceed the maximum statutory sentence).

[] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 **OTHER:** Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4a BOND IS HEREBY EXONERATED

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

- (a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

171 months on Count I months on Count _____
 _____ months on Count _____ months on Count _____
 _____ months on Count _____ months on Count _____

Actual number of months of total confinement ordered is: _____

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

☐ The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 378 days

4.6 ☐ COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months;

Count _____ for _____ months;

Count _____ for _____ months;

☒ COMMUNITY CUSTODY is ordered as follows:

Count I for a range from: 18 to 36 Months;

Count _____ for a range from: _____ to _____ Months;

Count _____ for a range from: _____ to _____ Months;

JUDGMENT AND SENTENCE (JS)

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 Tacoma, Washington 98402-2171
 Telephone: (253) 798-7400

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. (See RCW 9.94A.700 and .705 for community placement offenses which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offense not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.)

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories, or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

☒ The defendant shall not consume any alcohol.

☒ Defendant shall have no contact with:

See Appendix F.

☒ Defendant shall remain ☒ within ☐ outside of a specified geographical boundary, to wit: Per CCO.

☐ Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8))

☒ The defendant shall participate in the following crime-related treatment or counseling services:

Per CCO.

☐ The defendant shall undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse ☐ mental health ☐ anger management and fully comply with all recommended treatment.

☒ The defendant shall comply with the following crime-related prohibitions:

See Appendix F.

Other conditions may be imposed by the court or DOC during community custody, or are set forth here:

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 6 of 6

[] For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7 [] **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

[X] Defendant waives any right to be present at any restitution hearing (sign initials): PL

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

N/A

5.8 []. The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 **OTHER:** _____

DONE in Open Court and in the presence of the defendant this date 1-27-10

JUDGE

Print name

Vicki L Hogan

VICKI L. HOGAN

Deputy Prosecuting Attorney

Print name:

GREGORY L. GALL

WSB #

22936

Attorney for Defendant

Print name:

Darryl Ryan

WSB #

17418

Defendant

Print name:

Patricia Lamp

FILED
IN OPEN COURT
CDPJ

JAN 27 2010

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature:

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 8 of 8

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

Case Number: 09-1-00780-4 Date: December 9, 2013

SerialID: D8BD7DD4-110A-9BE2-A99065EAF8C2077F

Certified By: Kevin Stock Pierce County Clerk, Washington

09-1-00780-4

1
2 **CERTIFICATE OF CLERK**3 **CAUSE NUMBER** of this case: 09-1-00780-44 I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and
5 Sentence in the above-entitled action now on record in this office.

6 WITNESS my hand and seal of the said Superior Court affixed this date: _____

7 Clerk of said County and State, by: _____, Deputy Clerk

8
9 **IDENTIFICATION OF COURT REPORTER**10 **RAELENE SEMAGO**

11 Court Reporter

Case Number: 09-1-00780-4 Date: December 9, 2013

SerialID: D8BD7DD4-110A-9BE2-A99065EAF8C2077F

Certified By: Kevin Stock Pierce County Clerk, Washington

09-1-00780-4

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- ☐ sex offense
☐ serious violent offense
☐ assault in the second degree
☒ any crime where the defendant or an accomplice was armed with a deadly weapon
☐ any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

X (I) The offender shall remain within, or outside of, a specified geographical boundary: Per CCO.X (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: See paragraph 4.3Y (III) The offender shall participate in crime-related treatment or counseling services; Per CCO.Y (IV) The offender shall not consume alcohol; (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; orY (VI) The offender shall comply with any crime-related prohibitions (VII) Other: _____

APPENDIX F

Office of Prosecuting Attorney
 930 Tacoma Avenue S. Room 946
 Tacoma, Washington 98402-2171
 Telephone: (253) 798-7400

Case Number: 09-1-00780-4 Date: December 9, 2013

SerialID: D8BD7DD4-110A-9BE2-A99065EAF8C2077F

Certified By: Kevin Stock Pierce County Clerk, Washington

09-1-00780-4

IDENTIFICATION OF DEFENDANT

SID No. 17395515
(If no SID take fingerprint card for State Patrol)

Date of Birth 04/09/1980

FBI No. 185386LB6

Local ID No. UNKNOWN

PCN No. UNKNOWN

Other

Alias name, SSN, DOB: _____

Race:		Ethnicity:		Sex:	
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Black/African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> Male	
<input type="checkbox"/> Native American	<input type="checkbox"/> Other: ;	<input type="checkbox"/> Non-Hispanic	<input type="checkbox"/> Female		

FINGERPRINTS

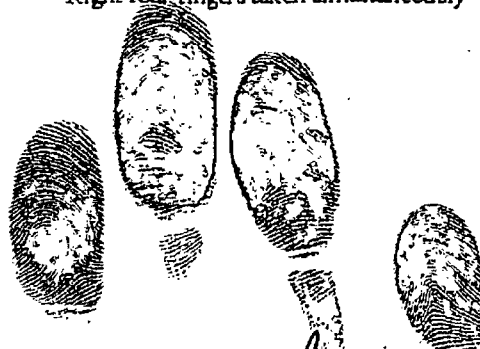
Left four fingers taken simultaneously

Left Thumb



Right Thumb

Right four fingers taken simultaneously



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, _____ Dated: 1/27/2010

DEFENDANT'S SIGNATURE: Patrick Lang

DEFENDANT'S ADDRESS: _____

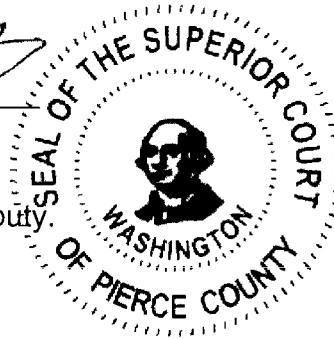
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Dorylee Phillips-Reyes, Deputy

Dated: Dec 9, 2013 10:59 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: D8BD7DD4-110A-9BE2-A99065EAF8C2077F**.

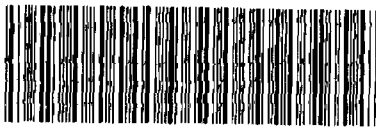
This document contains 13 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix W
Statement of Defendant on Plea of Guilty of Patrick Lamp on CA# 09-1-00134-2
Filed 01-27-10

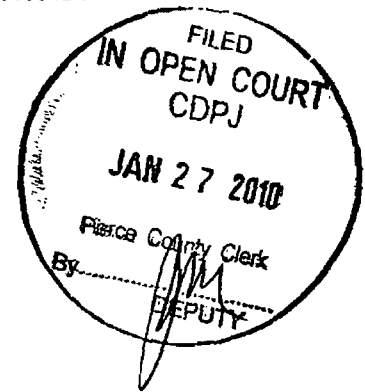
Case Number: 09-1-00134-2 Date: December 9, 2013

SerialID: D8E3A8C3-110A-9BE2-A9695AECF81094D1

Certified By: Kevin Stock Pierce County Clerk, Washington



09-1-00134-2 33661258 STDFG 01-28-10



**Superior Court of Washington
For Pierce County**

State of Washington

Plaintiff

vs.

PATRICK DELWAYNE LAMP

Defendant

No. 09-1-00134-2

**Statement of Defendant on Plea of
Guilty to Non-Sex Offense
(STDFG)**

JAN 28 2010

1. My true name is: Patrick Delwayne Lamp
2. My age is: 29
3. The last level of education I completed was 5th
4. **I Have Been Informed and Fully Understand That:**
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is: Dana Ryan
 - (b) I am charged with the crime(s) of:
 Count I: Robbery First Degree
 The elements are: On 4/3/09 take personal property with the intent to steal from an employee of Java Girls by threat of force and in the immediate flight therefrom the defendant displayed what appeared to be a firearm. in Pierce Co. WA
 Count II: _____
 The elements are: _____

(c) _____ Additional counts are addressed in Attachment "B"

5. **I Understand I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:**

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial as well as other pretrial motions such as time for trial challenges and suppression issues.

6. **In Considering the Consequences of my Guilty Plea, I Understand That:**

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1	91	129-171		129-171	18-36 months	Life
2						\$50,000

*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, See RCW 9.94A.633(6), (VH) Veh. Hgm. See RCW 46.61.520, (JP) Juvenile present, See RCW 9.94A.605

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If the prosecutor and I disagree about the computation of the offender score, I

understand that this dispute will be resolved by the court at sentencing. I waive any right to challenge the acceptance of my guilty plea on the grounds that my offender score or standard range is lower than what is listed in paragraph 6(a). If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) **For crimes committed prior to July 1, 2000:** In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance. RCW 74.04.005(6)(h).

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.411(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I have not completed my maximum term of total confinement and I am subject to a third violation hearing and the Department of Corrections finds that I committed the violation, the Department of Corrections may return me to a state correctional facility to serve up to the remaining portion of my sentence.

- (g) The prosecuting attorney will make the following recommendation to the judge: _____
171 months - defense will seek 129 months
concurrent w/ 09-1-00780-4
\$500 CPA \$200 COS \$100 PNA \$1500 DAC
Restrictions No contact w/ victim business 18-36
months community custody.
☒ The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

- (h) **The judge does not have to follow anyone's recommendation as to sentence.** The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:
- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
 - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
 - (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
 - (iv) The judge may also impose an exceptional sentence above the standard range if

the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed upon an agreed offender score, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

- (i) **If I am not a citizen** of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9A.04.010.
- (k) I understand that I will be **ineligible to vote** until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) **Public assistance will be suspended** during any period of imprisonment.
- (m) I understand that I will be required to have a **biological sample** collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee, unless the court finds that imposing the fee will cause me undue hardship.

Notification Relating to Specific Crimes. If Any of the Following Paragraphs Do Not Apply, They Should Be Stricken and Initialed by the Defendant and the Judge.

- (n) This offense is a **most serious offense** or strike as defined by RCW 9A.04.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- (o) The judge may sentence me as a **first-time offender** instead of giving a sentence within the standard range if I qualify under RCW 9A.04.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- (p) If this crime involves a **kidnapping offense involving a minor**, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment. These requirements may change at a later date. I am responsible for learning about any changes in registration requirements and for

complying with the new requirements.

- (q) If this is a crime of **domestic violence**, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- (r) If this crime involves **prostitution, or a drug offense associated with hypodermic needles**, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- (s) The judge may sentence me under the special drug offender sentencing alternative (**DOSA**) if I qualify under RCW 9.94A.660. Even if I qualify, the judge may order that I be examined by a licensed or certified treatment provider before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative. If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of at least one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of **three to six months**, as set by the court. As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(f). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if any violations of the conditions of the sentence have occurred. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within

the standard range.

- (t) If I am subject to community custody and the judge finds that I have a **chemical dependency** that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- (u) If this crime involves the **manufacture, delivery, or possession with the intent to deliver methamphetamine**, including its salts, isomers, and salts of isomers, or **amphetamine**, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401(2)(b).
- (v) If this crime involves a **violation of the state drug laws**, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- (w) If this crime involves a **motor vehicle**, my driver's license or privilege to drive will be suspended or revoked.
- (x) If this crime involves the offense of **vehicular homicide** while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(13).
- (y) If I am pleading guilty to **felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control** of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements.
- (z) The crime of _____ has a **mandatory minimum sentence** of at least _____ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(n).
- (aa) I am being **sentenced for two or more serious violent offenses** arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- (bb) I understand that the offense(s) I am pleading guilty to include a **Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture** enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.
- (cc) I understand that the offense(s) I am pleading guilty to include a **deadly weapon or**

7457 1/29/2018 20921

~~firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.~~

(dd) I understand that the offenses I am pleading guilty to ~~include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm.~~ The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

(ee) I understand that if I am pleading guilty to the crime of ~~unlawful practices in obtaining assistance as defined in RCW 74.08.331,~~ no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

(ff) The judge may authorize ~~work ethic camp.~~ To qualify for work ethic authorization my term of total confinement ~~must be more than twelve months and less than thirty-six months,~~ I can not currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I can not have a current or prior conviction for a sex or violent offense. RCW 9.94A.690

7. I plead guilty to count(s) 1 in the original Information. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

I am entering into this plea to take advantage
of the states offer, after a review of the evidence
with my attorney I believe there is a
substantial likelihood I would be found guilty
at trial.

Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

Case Number: 09-1-00134-2 Date: December 9, 2013

SerialID: D8E3A8C3-110A-9BE2-A9695AECF81094D1

Certified By: Kevin Stock Pierce County Clerk, Washington

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

[Signature]
Defendant

I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

[Signature]
Prosecuting Attorney

GREGORY L. GREER 22936
Print Name WSBA No.

[Signature]
Defendant's Lawyer

Dana Ryan 17418
Print Name WSBA No.

The foregoing statement was signed by the defendant in the presence of the defendant's lawyer and acknowledged in open court before the undersigned judge. The defendant asserted that [check appropriate box]:

- ☒ (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- ☒ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 1-27-10

[Signature]
Judge

VICKI L. HOGAN

Interpreter's Declaration

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated the _____ for the defendant from English into that language.

(Identify document being translated)

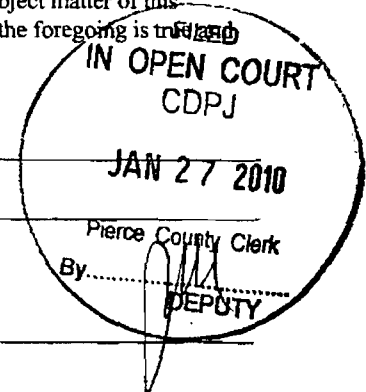
The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: _____

Interpreter

Print Name

Location: _____



Statement on Plea of Guilty (Non-Sex Offense) (STTDFG) - Page 9 of 9
CrR 4.2(g) (7/2007)

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Dorylee Phillips-Reyes, Deputy

Dated: Dec 9, 2013 11:41 AM



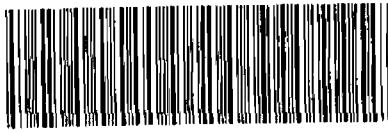
Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

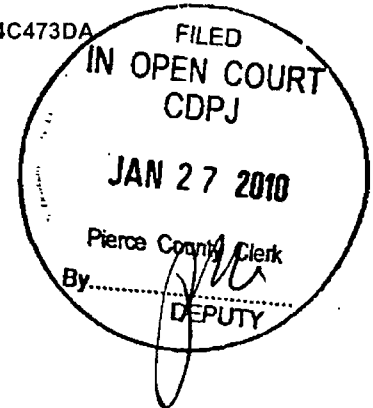
enter **SerialID: D8E3A8C3-110A-9BE2-A9695AECF81094D1**.

This document contains 9 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

Appendix X
Warrant of Commitment and Judgment and Sentence of Patrick Lamp on
CA# 09-1-00134-2
Filed 01-27-10



09-1-00134-2 33661260 JDSWCD 01-28-10



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

JAN 28 2010

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 09-1-00134-2

vs.

PATRICK DWAYNE LAMP,

Defendant.

WARRANT OF COMMITMENT

- 1) ☐ County Jail
 2) ☒ Dept. of Corrections
 3) ☐ Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

X 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

Case Number: 09-1-00134-2 Date: December 9, 2013

SerialID: D8E1DC31-F20F-6452-DCA6F64254C473DA

Certified By: Kevin Stock Pierce County Clerk, Washington

09-1-00134-2

[] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: 1-27-10

By direction of the Honorable

JUDGE

KEVIN STOCK

CLERK

VICKI L. HOGAN

By: Chris Hutton

DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

JAN 28 2010 Chris Hutton Deputy

STATE OF WASHINGTON

ss:

County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this _____ day of _____,

KEVIN STOCK, Clerk

By: _____ Deputy

tjb

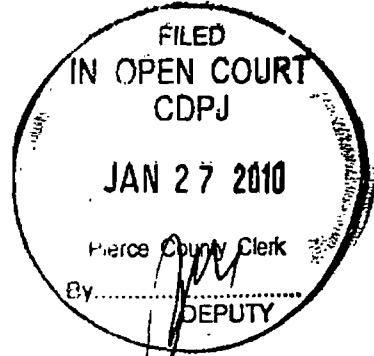
FILED
IN OPEN COURT
CDPJ

JAN 27 2010

Pierce County Clerk

By: _____
DEPUTYWARRANT OF
COMMITMENT -4

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-00134-2

JAN 28 2010

vs.

PATRICK DWAYNE LAMP

Defendant.

JUDGMENT AND SENTENCE (FJS)

☒ Prison [] RCW 9.94A.712 Prison Confinement
[] Jail One Year or Less
[] First-Time Offender
[] Special Sexual Offender Sentencing Alternative
[] Special Drug Offender Sentencing Alternative
[] Breaking The Cycle (BTC)
[] Clerk's Action Required, para 4.5
(SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6
and 5.8

SID: 17395515

DOB: 04/09/1980

I. HEARING

- 1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on
by ☒ plea [] jury-verdict [] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
1	ROBBERY IN THE FIRST DEGREE, (AAA2)	9A.56.190 9A.56.200(1)(a)(ii)	NONE	01/03/09	091001342

(F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hon, See RCW 46.61.520,
(JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW
9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the Original Information

10-9-01298-3

- ☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- ☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	RES BURG	04/17/95	PIERCE	12/24/94	JUV	NV
2	RES BURG	04/17/95	PIERCE	01/12/95	JUV	NV
3	BURGLARY 1	04/17/95	PIERCE	01/14/95	JUV	V
4	RES BURG	04/17/95	PIERCE	02/09/95	JUV	NV
5	ATT RES BURG	04/17/95	PIERCE	02/09/95	JUV	NV
6	ATT BURG	04/17/95	PIERCE	02/22/95	JUV	NV
7	RES BURG	04/17/95	PIERCE	02/22/95	JUV	NV
8	ATT BURG	04/17/95	PIERCE	02/22/95	JUV	NV
9	RES BURG	04/17/95	PIERCE	08/31/95	JUV	NV
10	PSP 1 (2X)	05/01/96	PIERCE	03/14/96	JUV	NV
11	PSP 1	07/01/99	PIERCE	03/10/99	ADULT	NV
12	ATT UPCS METH	07/02/99	PIERCE	04/25/99	ADULT	NV
13	ROBBERY 1 W/ WPN	09/29/00	KING	09/15/99	ADULT	V
14	TMVWOP	09/29/00	KING	09/15/99	ADULT	NV
15	UPFA 2	09/29/00	KING	09/15/99	ADULT	NV
16	PSP 2	09/29/00	KING	09/15/99	ADULT	NV
17	PSP 2	11/27/06	PIERCE	09/15/06	ADULT	NV
18	OTHER CURRENT 09-1-00780-4		PIERCE		ADULT	V

- ☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	15.5	IX	129-171	NONE	129-171	LIFE

- 2.4** ☐ **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence:
- ☐ within ☐ below the standard range for Count(s) _____.
- ☐ above the standard range for Count(s) _____.
- ☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
- ☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury by special interrogatory.
- Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 2 of 2

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

[] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

[] The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are [] attached [] as follows: N/A

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1.

3.2 [] The court DISMISSES Counts _____ [] The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RJN \$ 600 Restitution to: _____
\$ _____ Restitution to: _____
(Name and Address--address may be withheld and provided confidentially to Clerk's Office).
PCV \$ 500.00 Crime Victim assessment
DNA \$ 100.00 DNA Database Fee *imposed under 09.1.00217.9*
PUB \$ 1,500 Court-Appointed Attorney Fees and Defense Costs
FRC \$ 200.00 Criminal Filing Fee
FCM \$ _____ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 2,200 TOTAL

☒ The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[] shall be set by the prosecutor.

☒ is scheduled for 3-30-10

[] **RESTITUTION.** Order Attached

[] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ _____ per month commencing _____. RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

[] **COSTS OF INCARCERATION.** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.1b **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.2 [X] **DNA TESTING.** The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

[] **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 **NO CONTACT**

The defendant shall not have contact with Kiley R. Ross (12.21.89) or Java Girls Business (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for Life years (not to exceed the maximum statutory sentence).

[] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 **OTHER:** Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law.

4.4a BOND IS HEREBY EXONERATED

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

171 months on Count I _____ months on Count _____
 _____ months on Count _____ months on Count _____
 _____ months on Count _____ months on Count _____

Actual number of months of total confinement ordered is: _____

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

[] The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589: _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 378 days

4.6 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months;

Count _____ for _____ months;

Count _____ for _____ months;

☒ COMMUNITY CUSTODY is ordered as follows:

Count I for a range from: 18 to 36 Months;

Count _____ for a range from: _____ to _____ Months;

Count _____ for a range from: _____ to _____ Months;

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 5 of 10

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offense not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories, or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

☒ The defendant shall not consume any alcohol.

☒ Defendant shall have no contact with: see paragraph 4.3

☒ Defendant shall remain ☐ within ☐ outside of a specified geographical boundary, to wit: Per CCO.

☐ Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8))

☒ The defendant shall participate in the following crime-related treatment or counseling services: Per CCO.

☐ The defendant shall undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse ☐ mental health ☐ anger management and fully comply with all recommended treatment.

☒ The defendant shall comply with the following crime-related prohibitions: See Appendix F

Other conditions may be imposed by the court or DOC during community custody, or are set forth here:

[] For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7 [] **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____


V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

X] Defendant waives any right to be present at any restitution hearing (sign initials) 

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

N/A

5.8 []. The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 **OTHER:** _____

DONE in Open Court and in the presence of the defendant this date: 1.27.10

JUDGE

Print name

Vicki L. Hogan
VICKI L. HOGAN

Gregory L. Greer
Deputy Prosecuting Attorney

Print name:

WSB #

Dana Ryan
Attorney for Defendant

Print name:

WSB #

Patrick Lamp
Defendant

Print name:

FILED
IN OPEN COURT
CDPJ

JAN 27 2010

Pierce County Clerk

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050, or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 9A.84.660.

Defendant's signature: Patrick Lamp

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 8 of 10

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 946
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

Case Number: 09-1-00134-2 Date: December 9, 2013

SerialID: D8E1DC31-F20F-6452-DCA6F64254C473DA

Certified By: Kevin Stock Pierce County Clerk, Washington

09-1-00134-2

CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 09-1-00134-2

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF COURT REPORTER**RAE LEE SEMAGO**_____
Court Reporter

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- ☐ sex offense
☐ serious violent offense
☐ assault in the second degree
☒ any crime where the defendant or an accomplice was armed with a deadly weapon
☐ any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

- ☒ (I) The offender shall remain within, or outside of, a specified geographical boundary: Per
CCO
- ☒ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: See paragraph 4.3
- ☒ (III) The offender shall participate in crime-related treatment or counseling services;
- ☒ (IV) The offender shall not consume alcohol; _____
- ☐ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections, or
- ☒ (VI) The offender shall comply with any crime-related prohibitions.
- ☐ (VII) Other: _____

IDENTIFICATION OF DEFENDANT

SID No. 17395515
(If no SID take fingerprint card for State Patrol)

Date of Birth 04/09/1980

FBI No. 185386LB6

Local ID No. UNKNOWN

PCN No. UNKNOWN

Other

Alias name, SSN, DOB:

Race:					Ethnicity:		Sex:	
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Black/African- American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> Male				
<input type="checkbox"/> Native American	<input type="checkbox"/> Other :		<input type="checkbox"/> Non- Hispanic	<input type="checkbox"/> Female				

FINGERPRINTS

Left four fingers taken simultaneously



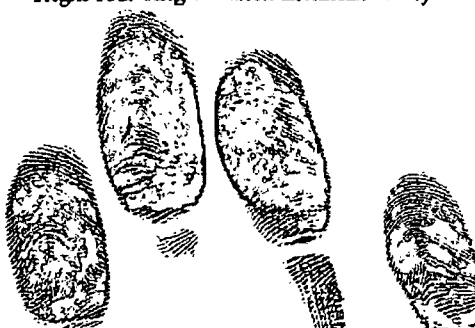
Left Thumb



Right Thumb



Right four fingers taken simultaneously



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court/Deputy Clerk

Dated: 1/27/2010

DEFENDANT'S SIGNATURE:

DEFENDANT'S ADDRESS:

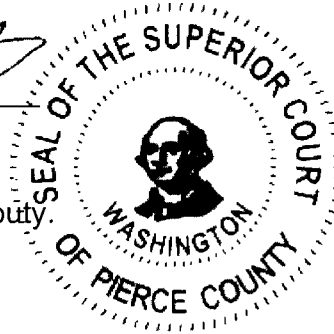
State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that this foregoing instrument is
a true and correct copy of the original now on file in my office.
IN WITNESS WHEREOF, I herunto set my hand and the Seal of said
Court this 09 day of December, 2013



Kevin Stock, Pierce County Clerk

By /S/Dorylee Phillips-Reyes, Deputy

Dated: Dec 9, 2013 11:41 AM



Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted by the Court, sign on to:

<https://linxonline.co.pierce.wa.us/linxweb/Case/CaseFiling/certifiedDocumentView.cfm>,

enter **SerialID: D8E1DC31-F20F-6452-DCA6F64254C473DA**.

This document contains 13 pages plus this sheet, and is a true and correct copy of the original that is of record in the Pierce County Clerk's Office. The copy associated with this number will be displayed by the Court.

PIERCE COUNTY PROSECUTOR

December 09, 2013 - 3:11 PM

Transmittal Letter

Document Uploaded: prp2-450593-Response.pdf

Case Name: IN Re: The PRP of Wilson

Court of Appeals Case Number: 45059-3

Is this a Personal Restraint Petition? ☒ Yes ☐ No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: ____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): ____

Personal Restraint Petition (PRP)

☒ Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: ____

Comments:

No Comments were entered.

Sender Name: Therese M Kahn - Email: **tnichol@co.pierce.wa.us**

A copy of this document has been emailed to the following addresses:

barbara@bcoreylaw.com
bcorey9@net-venture.com